

**BY-LAWS**

**OF THE**

**CANADIAN UNION OF PUBLIC  
EMPLOYEES AND ITS LOCAL 3175**

**KINGSTON, FRONTENAC AND LENNOX & ADDINGTON  
HEALTH UNIT**

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## INTRODUCTION

Local 3175 of the Canadian Union of Public Employees has been formed to:

- Improve the social and economic well-being of all its members;
- Promote equality for all members and to oppose all types of harassments 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 3175 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

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

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

## **SECTION 1 - NAME**

The name of this Local shall be: Canadian Union of Public Employees, Local 3175 (Kingston, Frontenac and Lennox & Addington Health Unit).

## **SECTION 2 - OBJECTIVES**

The objectives of Local 3175 are to:

- (a) secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;
- (b) support CUPE in reaching all of the goals set out in Article II of the CUPE Constitution;
- (c) provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (d) encourage the settlement by negotiation and mediation of all disputes between the members and their employers;

## SECTION 2 – OBJECTIVES Cont’d

- (e) eliminates harassments and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, color, 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 whenever it occurs or appears;
- (f) establish strong working relationships with the public we serve and the communities in which we work and live.

## **SECTION 3 – REFERENCES**

- (a) 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 by-laws.

## **SECTION 4 - MEMBERSHIP MEETINGS - Regular and Special**

- (a) Regular Membership Meetings  
Local membership meetings shall be held three (3) times per year (February, June, October). One (1) calendar week notice shall be given via email. Meeting dates for the following year shall be determined by the membership at the membership meeting in February.
- (b) Special Membership Meetings  
Special membership meetings of Local 3175 may be ordered by the Executive Board or may be requested in writing by no fewer than fifteen (15) members. The President shall immediately advise members when a special meeting is called, and ensure that all members receive at least twenty-four (24) hours' notice of the special meeting the subject(s) to be discussed, the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.
- (c) Quorum  
The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be fifteen (15) members, including three (3) members of the Executive Board.

SECTION 4 - MEMBERSHIP MEETINGS - Regular and Special – Cont'd

(d) Membership Meeting Agenda

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

1. Roll Call of Officers
2. Reading of the Equality Statement
3. Oath of Membership
4. Reading of Minutes
5. Matters Arising
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)

(e) 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 condition 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 knowing harm or assist in harming another member of the Union.”

(Article B.8.4)

(f) Negotiation Meetings

Negotiation meetings may be called to deal with matters that affect only members of the bargaining unit. Such meetings are not to be used to replace regular membership meetings and will not make decisions that affect the Local Union as a whole. The President shall advise members of the bargaining unit seven (7) days in advance of the meeting providing the time and location and an agenda.

The minimum number of members required to be in attendance for the transaction of business at any negotiation meeting shall be fifteen (15) members, plus three (3) members of the Executive Board.

## **SECTION 5 - VOTING OF FUNDS**

(a) Payment of Local Union Funds

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

- When these bylaws approve the expenditure
- The executive committee may spend up to \$500.00 on one single transaction as they fit without the membership voting on such items. Any expenses over \$500.00 must be approved by membership prior to funds being spent.

(b) Financial donations

The donation policy of the local upholds basic labour principles of solidarity, equality and equity. The local donates only to labour support and community organizations and groups that support these principles. The local does not make donations to individuals.

The executive board shall be given the responsibility to decide on donations, both labour support and community donations, to a maximum of five hundred (\$500.00) per donation. Should the donation request exceed this amount, the executive board will bring it to the membership for approval.

The executive will report all donations to the membership via email or at a general membership meeting. Members may not dispute donations already made but may put forth a motion in writing (and in accordance with the guidelines below) with regard to any future donations to a specific organization or initiative.

The following shall serve as guidelines for donations:

i. Labour Support

Donations may be made for the purposes of strike support and labour solidarity. The executive will consider factors such as duration of strike and size of local when deciding the amount of donation.

ii. Community Donations

Community donations may be made to organizations that provide services to children, youth and families, to organizations that engage in political action and advocacy of benefit to our members and their families.

The executive will consider only one request from any organization in each fiscal year unless the executive is directed otherwise by the membership. The executive may consider a second request that relates to a particular project. Requests for donations must be made in writing or email.

- (b) iii. Political affiliations  
As CUPE Local 3175 represents members who support various political parties, the executive board is not authorized to make donations directly to any political party.

- (c) Scholarships  
Every year CUPE will provide a \$500 dollar scholarship for education purposes. The member must have completed (degree or certificate of completion must be available upon request) a degree, diploma or certificate by the June membership meeting. The degree or diploma must not have been for a requirement of their current job, and must have been a minimum of one year in length. Members will fill out an application form that states their degree/diploma, University, and also how their education will be of benefit to the Union. The Executive Board will have final say on eligibility for the scholarship. All eligible members will be entered into a draw, with the winner to be chosen at the June membership meeting.

## **SECTION 6 - OFFICERS**

The Officers of the Local shall be the President, Vice-President, Recording Secretary, Treasurer, five (5) Stewards, and three (3) Trustees. All Officers shall be elected by the membership.  
(Articles B.2.1 & B.2.2)

## **SECTION 7 - EXECUTIVE BOARD**

- (a) The Executive Board shall comprise all Officers, except Trustees, and Stewards.  
(Article B.2.2)
- (b) The Executive Board shall meet at least eight (8) times per year.
- (c) A majority of the Executive Board constitutes a quorum.
- (d) 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.
- (e) Should any Executive Board member fail to answer the roll-call for three consecutive regular membership meetings or three consecutive regular Executive Board meetings without having submitted good reasons for those failures, (as deemed by the Executive Board), her office shall be declared vacant and shall be filled by an election at the following membership meeting.  
(Article B.2.5)

## **SECTION 8 - DUTIES OF OFFICERS**

Each Officer of Local 3175 is encouraged to participate in CUPE education 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.

All signing Officers of Local 3175 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.

(a) The President shall:

- enforce the CUPE National Constitution and these Local Union by-laws and the Equality Statement;
- introduce new members and conduct them through the initiation ceremony, or delegate to an Officer;
- interpret these bylaws as required;
- preside at all membership and Executive Board meetings and preserve order;
- decide all points of order and procedure (subject always to appeal to the membership);
- have the same right to vote as other members. In the case of a tie vote, the President may cast another vote or the President may refrain from casting an additional vote, in which case the motion is defeated;
- ensure that all Officers perform their assigned duties;
- fill committee vacancies where elections are not provided for;
- sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union by-laws, or vote of the membership;
- be allowed necessary and reasonable funds, not to exceed seventy-five dollars (\$75.00) monthly, to reimburse ~~herself~~ the President or any Officers for expenses (supported by a completed expense form), incurred on behalf of the Local;
- have first preference as a delegate to the CUPE National Convention, conferences and education opportunities. (Article B.3.1)

SECTION 8 - DUTIES OF OFFICERS – Cont'd

(b) The Vice-President shall:

- if the President is absent or not eligible, perform all duties of the President;
- if the office of the President falls vacant, be Acting President until a new President is elected through a by-election;
- preside over membership and Executive Board meetings in the absence of the President;
- render assistance to any member of the Executive as directed by the Executive Board.
- be allowed necessary and reasonable funds, not to exceed seventy-five dollars (\$75.00) monthly to reimburse Vice-President or any Officers for expenses (supported by a completed expense form), incurred on behalf of the Local. (Article B.3.2)

The Vice-President shall also act as the Chief Steward who shall:

- chair Stewards Committee meetings: two meetings a year and more if necessary;
- assign case numbers and assign grievances and other duties to the elected Stewards;
- receive reports from Stewards on all complaints and grievances;
- follow-up, schedule meetings, and report on all grievances to the Local President and National Representative within the time limits established in the collective agreement.
- keep current and secure all records pertaining to membership and grievances;
- handle all correspondence regarding grievances;
- maintain a file of all job postings, and identify discrepancies from known job duties;
- maintain a file of all classification changes and positions which are created or eliminated;
- keep precise minutes of all Stewards meetings with a copy to the Recording Secretary.

SECTION 8 - DUTIES OF OFFICERS – Cont'd

(c) The Recording Secretary shall:

- keep full, accurate and impartial account of the proceedings of all regular or special membership and Executive Board meetings. Minutes and reports will be posted to Local 3175 website. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports;
- Record all amendments and/or additions in the bylaws, make certain that these are sent to the National President for approval prior to implementing;
- answer correspondence and fulfil other administrative duties as directed by the Executive Board;
- keep a record of all correspondence received and sent out;
- prepare and distribute all notices to members;
- have all records ready on reasonable notice for auditors and Trustees;
- preside over membership and Executive Board meetings in the absence of both the President and the Vice-President;
- be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local Union's funds;
- take attendance at meetings;
- maintain an up-to-date list of all Union members;
- 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 her successor.

(Article B.3.3)

## SECTION 8 - DUTIES OF OFFICERS – Cont'd

(d) The Treasurer shall:

- receive all revenue, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union;
- prepare all CUPE National per capita tax forms and remit payment no later than the 15th day of each month;
- record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices;
- make a written financial report to the Local union at each regular membership meeting, detailing all income and expenditures for the period;
- make a full financial report to meetings of the Local Union's Executive Board;
- Provide further information on financial reports upon member request;
- All signing Officers of Local 3175 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.
- 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.
- 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.
- pay no money unless supported by an expense form duly signed by the President and one other member of the Board or any two other members of the Board, except that no expense form shall be required for payment of per capita fees to any organization to which the Local 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 reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.

## SECTION 8 - DUTIES OF OFFICERS – Cont'd

- provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National;
- be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds;
- on termination of office, surrender all books, records and other properties of the Local to her successor. (Articles B.3.4 to B.3.8)

(e) 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 semi-annually;
- make a written report their findings to the first membership meeting following the completion of each audit;
- Submit in writing to the President and Treasurer any recommendation 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 are not paid out without proper constitutional or membership authorization;
- ensure that proper financial reports are made to the membership;
- inspect 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, and report their findings to the membership;
- be elected for a period of three (3) years, two (2) years and one (1) year.
- send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
  - i. Completed Trustee Audit Program
  - ii. Completed Trustee's Report
  - iii. Secretary-Treasurer Report to the Trustees
  - iv. Recommendations made to the President and Secretary-Treasurer of the Local Union
  - v. Secretary-Treasurer's Response to Recommendation
  - vi. Concerns that have not been addressed by the Local Union Executive Board.

(Articles B.3.10 to B.3.12)

SECTION 8 - DUTIES OF OFFICERS – Cont'd

(f) The Stewards shall:

- greet new employees (members) and encourage participation in the Local Union;
- obtain correct mailing address and submit to President, Treasurer and Recording Secretary;
- perform such other duties as may be assigned by the Executive Board from time to time;
- new Stewards will be recommended to attend CUPE Steward training during their first term.

**SECTION 9 – HONORARIUMS**

(a) The following honorariums shall be provided:

President	-	\$3,000.00 per year
Vice-President	-	\$2,500.00 per year
Treasurer		\$2,000.00 per year
Recording Secretary		\$2,000.00 per year
Stewards		\$ 750.00 per year

- (b) Payment made at the end of one (1) year's service, (pro-rated for Officers who do not complete one (1) year of service). During the year the elections occurs, the current Executive's term will be completed once the elections are finished;
- (c) Negotiating Committee - (including alternative) – Each member of a negotiating committee will only be entitled to a \$500 honorarium once negotiations are completed;
- (d) By-law Committee - Each member of a By-law committee will receive a \$200 honorarium once the bylaw review has been completed and submitted to National;
- (e) Trustee - \$100 for the completion of each six (6) month audit.
- (f) Meals - Reimbursement when required and paid only by receipt on appropriate Expense Voucher. Meals to be paid in the amounts of \$15.00 breakfast, \$20.00 lunch, \$30.00 dinner and \$20.00 for incidentals, such as taxi rides;
- (g) Reimbursement for Members for kilometers driven while performing their duties, excluding attendance at General Membership Meetings -50¢ per kilometer - payment made only when submitted on approved Expense Voucher;

## SECTION 9 – HONORARIUMS - Continued

(h) All expenses, excluding Annual honorariums, must be approved by Executive Board and/or Membership.

(i) Child Care Expenses

Caring for children can be a barrier to actively participate in the union or to attending membership meetings. Local 3175 is committed to removing barriers within its control so that all members have equal access to participation.

- i. Members will be eligible to receive reimbursement to a maximum of \$25 per meeting for child care. Reimbursement will only be provided upon proof of payment.
- ii. Any member who is on authorized Local 3175 business shall be eligible for child care reimbursement where required. Upon proof of payment, claims shall be reimbursed to a maximum of \$50 per day, per member.
- iii. Claims will not be paid for a spouse, partner, or a family member who normally provides cares without charges. Claims will not be paid for periods of time where a member would normally have paid for care such as during normal hours of work at their job.

## **SECTION 10 - FEES, DUES, AND ASSESSMENTS**

(a) Monthly Dues

The monthly dues shall be an amount equivalent to one and one-half percent (1.5%) of gross pay per each employee which shall be forwarded directly from the Employer to the Treasurer of Local 3175.

(Article B.4.3)

Changes in the levels of the Monthly Dues can be effected only by following the procedure for amendment of these by-laws (see Section 15), with the additional provision that the vote must be by secret ballot.

(Article B.4.3)

Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, these by-laws will be deemed to have been automatically amended to conform to the new CUPE minima.

Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution.

(b) Initiation and Readmittance Fee

The initiation and readmittance fee shall be one dollar (\$1.00).

Monthly dues continued

(c) Non Payment of Dues and Assessment

A member who fails to pay dues and assessments for three months is automatically suspended from membership. The suspension will be reported to the Executive Board by the Secretary-Treasurer. The Executive Board will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying a readmission fee and any other penalty set by 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 11 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS**

Elections will take place every two (2) years, the newly elected Executive Boards term will end when the next election process has been completed and the new Executive Board has been sworn in.

(a) Nominations

1. Nominations shall be received at the regular membership meeting held in the month of February up to and including the June membership meeting. Effective election date February 2020.
2. Nominations will be accepted from the members in attendance at the February or June membership meetings in writing, or by email, witnessed by another member, to the Executive Board by members who cannot be in attendance.
  1. Nominees must give their consent to stand nominations in writing or by email to the Executive Board if they will not be in attendance, duly witnessed by another member, at the June membership meeting.
  2. A member can be nominated for more than one position.
  3. A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time.

(b) Elections

- (1) At the membership meeting in February prior to election day the President shall, subject to the approval of the members present, appoint an Elections committee consisting of a Returning Officer and up to two assistants. The Committee shall include members of the Local who are neither officers nor candidates for office. The Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
- (2) The final list of candidates, based on nominations received up to and including the June membership meeting, will be used to create ballots. Ballots will be drawn up showing all candidates wishing to be elected, the position and number of people to be elected for each position. Each position to be elected will be on a separate ballot. In a ballot to fill more than one position, each delegate must vote for the full number of positions, to be filled or the ballot is spoiled. Members who have been acclaimed will also be placed on the ballot clearly identifying that they have been acclaimed.

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.

For positions where there is at least one candidate who is running for more than one position, members will be asked to rank their choices of candidates on the ballot (i.e. first choice, second choice, third choice etc).

The ballots will be mailed to all members, within 2 weeks of the June membership meeting. All supplies needed to mail ballots will be purchased by the union, and all printing needs to be done offsite of KFL&A Public Health. All Portsmouth office ballots will include an envelope in which to seal the ballots and location of ballot drop box. Any members working at the Portsmouth office may request a stamped, return envelope. All branch offices ballots will include a stamped, return envelope with the work mailing address of the Returning Officer. Members may drop the ballots in a ballot box at the Returning Officer's place of employment, or may or be mailed them in using the stamped addressed return envelope.

The election notice will clearly indicate the final date and time to drop ballots in the ballot box as well as the date that mailed ballots must be post marked before.

SECTION 11 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS – Cont'd

- (3) Candidates must be given 48 hours of notice of the time and place the ballots will be counted, in case they wish to have a scrutineer present. It is the candidates responsibility to ensure their scrutineer can attend the meeting in which the ballots will be counted and is present at the meeting. Each position in the ballots will be counted separately. The candidate with the most votes shall be declared elected. The Returning Officer shall contact all candidates to inform them of the results. Once all candidates have been informed, a notice (email) may be sent to the general membership. The ballots shall be sealed with a complete vote tally sheet signed by both the returning officer and assistant(s) and given to the Recording Secretary for safe keeping. Ballots either dropped in the ballot box or post marked after the deadline date and time shall be considered late, and shall not be opened or counted and will be marked “SPOILED – LATE” on the back of the envelope.
  - (4) Counting of ballots. As members are allowed to run for more than one position, the ballots will be counted in the following order: President, Vice-President, Recording Secretary, Treasurer, Trustees and Stewards. Once a person is elected into a position, they will be withdrawn for any other positions in which they are candidates. Any subsequent votes for them will not count.
  - (5) Any member may request a recount of the votes.
  - (6) In the matter of a tie vote a re-election will be held for the position in the matter described above as soon as possible and the results conveyed by the Returning Officer as in (2).
- (c) Installation
- (1) All duly elected officers shall be installed at a *Special Membership meeting*, continue in office for two (2) years or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three years.

(Article B.2.4)
  - (2) The terms of office for Trustees shall be as laid down in Article B.2.4 of the CUPE Constitution.
- (d) By-Election
- Should an office fall vacant pursuant to Section 7 (e) of these by-laws or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this Section.

## **SECTION 12 - DELEGATES TO CONVENTIONS & EDUCATION SESSIONS**

- (a) Except for the President's option [Section 8 (a)], all delegates to conventions and conferences shall be chosen by election at membership meetings. If the timing of the event does not allow for voting at a membership meeting, the Executive Board will be permitted to make the final decision. Opportunities shall be sent to the membership in advance. If members are interested in attending an event, they may submit their interest at a membership meeting, in writing or by email to the recording secretary (or designate) for consideration.
- (b) After a member has attended a conference or convention, the member shall provide a report to the membership at the following regular membership meeting.
- (c) Delegates to the Kingston and District Labour Council and to the Kingston and District CUPE Council shall be elected every two (2) years.
- (d) All delegates elected to the conventions and conferences held outside the City of Kingston shall be paid transportation expenses (at economy, tourist or coach rates), a per diem allowance of eighty-five dollars (\$85.00) per day for meals and expenses (\$15 breakfast, \$20 lunch, \$30 dinner, (\$20.00) for incidentals, such as taxi rides). In some instances, valid incidentals may exceed \$20 per day, and the member shall be reimbursed the difference upon submitting receipts. The Local Union will reimburse the member's employer for any loss of wages.
- (e) Delegates to conventions held locally shall have no travel allowance. There shall be a per diem allowance of thirty-five dollars (\$35.00) for meals and expenses incurred by attending at the convention or conference. The Local Union will reimburse the member's employer for any loss of wages. In instances where incidental costs exceed the per diem allowance, members shall be reimbursed the difference upon submitting receipts.
- (f) Local 3175 will provide members with their per diem allowance prior to their attending the convention, conference or educational.
- (g) Representation at educational institutes and seminars shall be on the recommendation of the Executive Board. Requests should be submitted in writing or email, to the Executive Board and a list of members attending education opportunities will be presented at the next membership meeting. Representation shall be entitled to the provisions outlined in clause (d) and (e) above.

## **SECTION 13 - COMMITTEES**

### (a) Negotiating Committee

This shall be a special committee established at least three (3) months prior to the expiry of the Local's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the Committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The Committee shall consist of the President of the Local Union and three (3) members and one alternate, all elected at a membership meeting. Opportunity to fill one of the three (3) vacancies will be given to the past president from the previous elections first, if declined, (3) members and one alternate will be elected. The National Representative assigned to the Local Union shall be a non-voting member of the Committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

All members of Local 3175's negotiating committee are encouraged to attend Level 2 of CUPE's collective bargaining educational.

### Ratifying the Collective Agreement

The notice for this Special Membership Meeting (SMM) for ratification purposes shall be given by providing electronic notice to the entire membership. The Negotiation Committee shall review any Memorandum of Agreement with the entire Executive prior to the Special Meeting. The Memorandum of Agreement shall be provided in electronic copy to the members three days prior to attending the SMM. A meeting will be held to accommodate members from the branch offices as well as for the main office. Members from branch offices will have the opportunity to vote at this meeting. Quorum will not be necessary i.e., 15 members including 5 three (3) executive members. The ballots from this meeting will not be counted at this time. Every opportunity will be provided so that as many members as possible will have the opportunity to vote to ratify the contract. Voting will take place at least twice. Results of a ratification vote shall be conveyed to the membership by the President of the Local.

### (b) Special Committees

A special committee may be established for a specified purpose and period by the membership at a meeting. The members shall be elected at the same or another 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.

### (c) Permanent Committees

The Chairperson of each standing committee will be elected by the members at a membership meeting. 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 a report at each regular membership meeting. The Vice-President(s) shall be a member, ex-officio, of each respective committee. There shall be permanent committees as follows:

## Permanent Committees Continued

(1) By-Law Review Committee

This committee shall ensure that the by-laws are reviewed and revised as necessary every two years. This committee shall be chaired by the vice president and shall consist of a maximum of four (4) other members selected by the membership.

(2) Joint Job Evaluation Committee

This committee will be an elected committee that will have a term of two years and will consist of 4 members and an alternate.

(3) Grievance Committee

The Grievance committee will:

- Oversee the handling of all Local Grievances
- Prepare a report on the status of all grievance to be submitted to the National Representative and to the membership meeting.
- When a grievance is not settled in the initial steps provided in the Collective Agreement, this committee will make a recommendation to the membership whether the grievance should proceed to arbitration.
- The committee members will be the Executive Board.

## **SECTION 14 - RULES OF ORDER**

All meetings of the Local Union shall 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 by-laws as Appendix "A". These rules shall be considered as an integral part of the by-laws and may be amended only by the same procedure used to amend the by-laws.

In situations not covered by Appendix "A", 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 15 - AMENDMENT**

- (a) These by-laws 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 by-laws and the CUPE Constitution the latter shall govern. The National President has the sole authority to interpret the CUPE Constitution. (Article 9.2(c), 13.3, & B.5.1)
- (b) Local 3175 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 special membership meeting.
  - iii) Notice of the intention to propose the amended or additional bylaws was given at least seven days before at a previous membership meeting, or 60 days before in writing. (Articles 13.3 & B.5.1)
- (c) The Amended or additional bylaws do not come into effect until they have been approved in writing by the National President. The National President will decide whether to approve the amended or additional bylaws within 90 days of receiving them and will withhold approval only where they conflict with the CUPE Constitution. (Articles 13.3 & B.5.1)

## **SECTION 15-CHARGES AGAINST OFFICERS OR MEMBERS**

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

## **APPENDIX "A" TO THE BY-LAWS OF LOCAL 3175, CUPE**

### **NATIONAL EQUALITY STATEMENT**

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

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

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

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

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

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

## **APPENDIX "B" TO THE BY-LAWS OF LOCAL 3175, CUPE**

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

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, he 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 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.

## **APPENDIX "C" TO THE BY-LAWS OF LOCAL 3175, CUPE**

### **Code of Conduct**

Local 3175 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 3175 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 3175 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 3175 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 3175 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 3175 sets out standards of behaviour for members at meetings, and all other events organized by Local 3175. 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 3175 we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

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

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

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

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

This Code of Conduct is designed to create a safe, respectful and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the Bylaws of Local 3175, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

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