

# CANADIAN UNION OF PUBLIC EMPLOYEES



## BYLAWS LOCAL 3909

### FOR THE PROVINCE OF MANITOBA

Approved by General Membership: AGM March 29, 2016

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## **PREAMBLE**

In order to improve the social and economic welfare of its members and their communities without regard to sex, ancestry, physical characteristic, national or ethnic origin, religious belief or practice, citizenship, place of residence, marital or family status, sexual orientation, mental or physical disability, age, political belief, affiliation, or activity, or criminal record, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, Local 3909 of the Canadian Union of Public Employees has been formed.

The following Bylaws are adopted by Local 3909 pursuant to, and to supplement the CUPE/SCFP Constitution and the Appendices therein, to safeguard the rights and privileges of all members, to provide for responsible administration of Local 3909, and to involve as many members as possible through the cooperative sharing of duties and responsibilities.

## **ARTICLE 1 - NAME**

- 1.1 The name of this Local shall be: Canadian Union of Public Employees, Local 3909; hereinafter, it shall be referred to as ‘the Local’.

## **ARTICLE 2 – GOVERNING AUTHORITY**

- 2.1 The Local is a chartered local of the Canadian Union of Public Employees. These Bylaws (hereinafter, it shall be referred to as ‘the Bylaws’) shall conform in all respects with the Constitution of the Canadian Union of Public Employees and the Appendices therein; hereinafter, it shall be referred to as ‘the Constitution’. Should a conflict arise with respect to the Constitution and the Bylaws, the Constitution shall take precedence.
- 2.2 The activities of the Local shall conform to the Constitution and Appendices of the Canadian Union of Public Employees and the Bylaws of the Local.
- 2.3 The Canadian Union of Public Employees shall hereinafter be referred to as “the Union”.

## **ARTICLE 3 - OBJECTIVES**

- 3.1 The objectives of the Local are to:
- (a) protect, maintain, and advance the collective interests and economic and social welfare of the members of the Local and of workers in general;
  - (b) secure adequate remuneration and accreditation for work performed by the members of the Local;

- (c) support the Union in achieving the goals as set out in Article II of the CUPE Constitution;
- (d) regulate relations between the employer and employees by means of collective bargaining and joint consultation and to encourage the settlement of disputes by negotiation and mediation;
- (e) provide an opportunity for its members to influence and shape their future through free democratic collective trade unionism;
- (f) assist in improving the quality of education at the University of Manitoba by means of active participation in the determination of teaching methods, curriculum, and course content;
- (g) develop and maintain professional standards of skill, to maintain fair rates of pay and terms and conditions of employment for its members in recognition of their skill, and to work to ensure work opportunities for members within its jurisdiction;
- (h) act as a lobbying agent on behalf of its members to all appropriate outside agencies which are responsible for, or which have an interest in, post-secondary education issues (such as funding, access, and quality) in the province of Manitoba;
- (i) eliminate any form of discrimination and/or harassment founded on the basis of sex, ancestry, physical characteristics, national or ethnic origin, religious belief or practice, citizenship, place of residence, marital or family status, sexual orientation, mental or physical disability, political belief, affiliation, or activity, or criminal record, wherever it may exist, and;
- (j) do all things necessary to the attainment of the above objectives.

#### **ARTICLE 4 - INTERPRETATION AND DEFINITIONS**

- 4.1 The Numbers of Articles appearing at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution which should be read in conjunction with these Bylaws.

## **ARTICLE 5 – ORGANIZATIONAL STRUCTURE**

- 5.1 The governing bodies and structure of the Local shall be as follows:
- (a) The Membership;
  - (b) The Executive Board; and
  - (c) Committees of the Local.
- 5.2 The plenary authority of the Local shall rest with the membership of the Local. Such authority shall be exercised in properly constituted Membership Meetings, in accordance with the Bylaws.

## **ARTICLE 6 – MEMBERSHIP**

- 6.1 The membership of the Local shall consist of all employees of the University of Manitoba as specified under the terms of Manitoba Labour Board Certificate Nos. MLB-4002 and MLB-5259. Members covered under Certificate No. MLB-4002 shall be called Unit One of the Local, members covered under Certificate No. MLB-5259 shall be called Unit Two and employees of the Canadian Confederation of Students – MB shall be called Unit Three.
- 6.2 Any member whose employment terminates may maintain their membership and deemed to be in good standing for eighteen (18) months from the end date of their last appointment.
- 6.3 No person shall be excluded from membership because of sex, physical characteristic, national or ethnic origin, religious belief or practice, citizenship, place of residence, marital or family status, sexual orientation, mental or physical disability, political belief, affiliation or activity, criminal record, age or other such ascribed or achieved individual characteristic provided for in the Constitution, enacted legislation or the Constitution of Canada.
- 6.4 No person otherwise eligible for membership in the Local shall be admitted to membership if the person has been fined, suspended, or expelled by the Union or any local of the Union until the aforementioned has complied with the terms of such fine, suspension or expulsion.

## **ARTICLE 7 – MEMBERSHIP MEETINGS**

- 7.1 Regular Membership Meetings

7.1.1 Regular Membership Meetings shall be held at least once between September 1 and December 31, which shall be the General Membership Meeting, and at least once between January 1 and April 30, which shall be the Annual General Meeting.

7.1.2 The order of business at Regular Membership Meetings is recommended as follows:

- (a) Roll call of Officers
- (b) Reading of the Minutes
- (c) Matters arising from the previous Minutes
- (d) Treasurer's Report
- (e) Communication and Bills
- (f) Trustees' Audit Report
- (g) Executive Board Report
- (h) Reports of Committees and Delegates
- (i) Executive Reviews
- (j) Nominations, Elections or Installations
- (k) Unfinished Business
- (l) New Business
- (m) Good of the Union
- (n) Adjournment

## 7.2 Special Membership Meetings and Referenda

7.2.1. Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than twenty-five (25) members. The President of the Local shall immediately call a special meeting, to take place within fourteen (14) days when so ordered or requested and shall ensure that all members receive at least seven (7) days notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice is given.

7.2.2. Quorum for Special Membership Meetings when called by the Executive Board or as requested by the membership shall be in accordance with Bylaw 7.4.6.

7.2.3 A referendum shall be ordered by a majority vote of the membership at a Special or Regular Membership Meeting. Three volunteers will be appointed at the meeting to oversee the vote and the referendum process. The referendum vote shall take place within two (2) weeks of the meeting at which the decision to hold a referendum was made.

The results of the referendum will be announced as soon as possible after the vote. The results of any duly held referendum shall have the same force as a majority vote at a Membership Meeting. Any protest alleging an "unfair ballot" or other irregularity must be presented in writing to the Secretary of the Local within seven (7) days of the announcement of the results of the ballot. Upon receipt of such a protest, the Executive Board shall investigate the matter. If the protest is found to have substance, another

ballot shall be conducted. A motion to destroy the ballots shall be in order at the next meeting of the Executive Board to be held at least seven (7) days after the vote.

### 7.3 Annual General Meeting

7.3.1 The Executive board shall call an Annual General Meeting between January 1<sup>st</sup> and April 30<sup>th</sup> with the purpose of reporting to the membership the business transacted during the current fiscal year and presenting Executive Reports and Audits. Executive elections will be held at the Annual General Meeting every second year.

7.3.2 At the Annual General Meeting, the Treasurer shall submit a full written financial report, covering the current fiscal year, to the membership for approval.

7.3.3 At the Annual General Meeting, the Treasurer shall submit a proposed budget for the following fiscal year to the membership for approval.

7.3.4 Notwithstanding the above, should negotiations for a Collective Agreement be in process, the Annual General Meeting may be delayed until such time as a new agreement has been ratified.

### 7.4 Membership Meeting Procedures

7.4.1 Notice of Meetings shall include the date, time, place and other information as required by the Bylaws or Constitution. The Executive will exercise due diligence and use various methods which may include, but not be limited to, posting on bulletin boards, and use of the internet, email, letters and telephone calls.

7.4.2 Every member in good standing is entitled to make a motion, speak and vote in accordance with the Bylaws, on any issue which may arise at a Membership Meeting.

7.4.3 Except where otherwise prescribed in the Bylaws or if a secret ballot is requested by a member attending the meeting, voting at a Membership Meeting shall be by a show of hands, and a majority of those members present shall be sufficient to determine a decision granted the quorum is met as per Bylaw 7.4.6. All elections will be conducted by secret ballot.

7.4.4 Non-members may request to attend a membership meeting. Such a request shall be presented to the membership at that meeting and the non-member shall be admitted or asked to leave by a simple majority of members present. Members may request that the non-member leave during the meeting by forwarding a motion and approving the motion by a simple majority. Non-members may request speaking privileges from the Chair.

7.4.5 A roll-call vote may be requested at a Membership Meeting by one-third (1/3) of the members in good standing present at said meeting, except where a secret ballot is provided for.

- 7.4.6 A quorum for the transaction of business at any Membership Meeting shall be ten (10) members of which at least one member will be from Unit 1 and at least one member will be from Unit 2, including at least three (3) members of the Executive Board.
- 7.4.7 At the General Membership Meeting, the Treasurer shall submit a full written financial report, covering the current fiscal year, to the membership for approval.
- 7.4.8 At the General Membership Meeting, the Treasurer shall submit a proposed budget for the following fiscal year to the membership for approval.

## **ARTICLE 8 – DISBURSEMENT OF FUNDS**

- 8.1 The Treasurer and a designated Officer of the Executive Board shall sign all cheques drawn on any account of the Local which are authorized in accordance with Bylaw 8.2. The Executive Board will appoint an alternate officer with authorization to sign cheques to cover circumstances where the Treasurer or other designated officer is unavailable.
- 8.2 Except for ordinary operating expenses and dues owing to the Union, no sum over two hundred dollars (\$200.00) shall be voted for the purpose of a grant, contribution or other disbursement of funds to a member, cause, organization or other legal entity outside the Union, except by a notice of motion given in writing and carried at a Membership Meeting (Article B.4.4)

## **ARTICLE 9 – OFFICERS**

- 9.1 The Officers of the Local shall be the President, Vice-President (General Affairs), Vice-President (Unit 1), Vice-President (Unit 2), Treasurer, Secretary and three (3) Trustees. Officers, with the exception of Trustees, will be elected to a two (2) year term by secret ballot conducted two weeks after the Annual General Meeting at a location determined by the Trustees. Officers, who are uncontested, may be acclaimed by the Annual General Meeting. Trustees will be elected from the floor at the General Membership Meeting either by acclamation for those nominees who are uncontested or by secret ballot if any nomination is contested.
- 9.2 Any Officer of the Local may be subject to review of said Officer's performance at a Membership Meeting provided that a valid petition has been received by the Executive Board requesting such a review. Notice that such a review will take place must be included within announcements for the membership meeting at which it will take place, in accordance with Bylaw 7. Following such a review, the members may vote, following a carried motion to proceed to remove, to remove the Officer.
  - 9.2.1 A valid petition must contain the signatures of no less than twenty-five (25) members in good standing as well as the name, department(s) of employment and telephone number

of each signatory. No more than twenty-five percent (25%) of the signatories may be from any one department of employment.

- 9.2.2 Upon receipt of a valid petition requesting review of an Officer of the Local, written notice that such a review will take place will be delivered within three (3) days by registered mail or hand delivered to said Office, to allow said Officer to be present during such review.
- 9.2.3 At any Membership Meeting in which an Officer's performance is under review, the affected Officer shall at all times have the right to speak, as point of personal privilege, on said Officer's behalf.
- 9.2.4 A majority of two-thirds (2/3) voting in favour of removal is required to remove any Officer. Notwithstanding the Constitution or the Bylaws, in such a vote for removal, abstentions will be included within calculation of total votes cast.
- 9.3 In any instance where a position held by an Office of the Local becomes vacant, the Executive Board of the Local shall appoint an *interim* person(s), who is a member of the Local, to perform the duties of said vacancies in order to preserve the orderly conduct of the Local daily business, until the next Membership Meeting or the General Election, whichever occurs first.
- 9.4 In an instance where an Officer of the Executive Board has lost their good standing status, said Officer may, at the discretion of the Executive Board, continue to perform the duties of their position in order to maintain the orderly operation of the Local until the next General Election.
- 9.5 A person who is not a member of the Local cannot hold a position as an Officer of the Local.

## **ARTICLE 10- EXECUTIVE BOARD**

- 10.1 The Executive Board shall be the governing body of the Local between Membership Meetings. It shall take such actions and render such decisions as may be necessary to fully carry out the decisions and instructions of Membership Meetings of the Local. The Executive Board shall enforce the Constitution and Bylaws and the provisions of all agreements between the employer and the employees and shall coordinate Union and Local affairs.
- 10.2 The Executive Board of the Local shall be comprised of all Officers except Trustees (Article B.2.2)
- 10.3 The Executive Board of the Local may also include, in an *ex officio* capacity, the Chair of all Standing Committees of the Local. Each Standing Committee Chair shall have the

privilege of speaking or making motions on behalf of their respective committee but are excluded from voting and in the calculation of a quorum as specified under Bylaw 10.5

- 10.4 The Executive Board of the Local shall meet at least monthly.
- 10.5 A simple majority of voting members of the Executive Board of the Local shall constitute a quorum for the transaction of business.
- 10.6 The Executive Board Officers shall hold title to any real estate of the Local as trustees for the Local. The Officers shall have no right to sell, convey or encumber any real estate except by a notice of motion given in writing and carried at a Membership Meeting.
- 10.7 The Executive Board shall do work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all Committees.
- 10.8 Any charge against an Executive Board member(s) must be made in writing and dealt with in accordance with the provisions of the Constitution (Article B.XI)
- 10.9 Should any Executive Board member be absent for three (3) consecutive Executive Board and/or Membership Meetings without showing just cause for absence, the respective Executive Board position shall be declared vacant (Article B.2.5)
- 10.10 The Executive Board shall be empowered, to employ or contract necessary clerical, research or any other assistance which will be paid for from Local Funds.
- 10.11 The Executive Board shall be empowered to establish interim *ad hoc* Committees of the Local.
- 10.12 The Executive Board shall make available to the membership all reports (audits, Officer reports and delegate reports) and previous membership meeting minutes at the General Membership Meetings and the Annual Membership Meeting or upon request from a member.
- 10.13 The Executive Board shall have a planning meeting within the first month after the Annual General Meeting with the idea to plan for the forthcoming year. If there are new Officers elected at the Annual General Meeting, the outgoing executives may be invited to attend.

## **ARTICLE 11 – DUTIES OF OFFICERS**

### **11.1 Duties of the President**

- 11.1.1 The President shall enforce the Constitution and the Bylaws.

- 11.1.2 The President, in consultation with the entire Executive Board, shall be the chief Executive Officer of the Local and be responsible for the smooth and efficient operation of the Local.
- 11.1.3 The President shall normally preside over all Executive Board and Membership Meetings but has the power to appoint another Executive Officer member to preside over Executive and Membership Meetings.
- 11.1.4 The President, in conjunction with the Executive Board, shall be responsible for informing themselves regarding all funds of the Local and ensuring that the disbursement of funds are in accordance with the Constitution, Bylaws, and votes of a Membership Meeting.
- 11.1.5 The President, in conjunction with the Executive Board, shall be responsible for supervising any staff hired by the Local.
- 11.1.6 The President, in conjunction with the Executive Board, shall ensure that all Officers perform their assigned duties as outlined within the Bylaws and Constitution (Article B.III).
- 11.1.7 The President, in conjunction with the Executive Board, shall be responsible for the operation and functioning of all committees in accordance with the Bylaws and Constitution.
- 11.1.8 The President shall decide all points of order and procedure subject to appeal as provided in the Constitution at all Annual, General, and Special Membership Meetings if they are presiding over the meeting. If the President has appointed someone else according to Bylaw 11.1.3 then the appointee will decide on all points of order and procedure. (Appendix A).
- 11.1.9 The President shall cast a vote on all matters and elections, except procedural ruling appeals occurring under Bylaw 11.1.8, and will cast an additional vote to resolve a tie in any instance whereby a tie has resulted.
- 11.1.10 The President shall fill Committee vacancies where elections are not provided for.
- 11.1.11 The President can be a voting member of all Committees of the Local.
- 11.1.12 The President shall have first preference as a delegate to the CUPE National Convention and any other affiliated constituted bodies for which Local representation has been requested.
- 11.1.13 The President shall submit a report about the Local at the General Membership Meeting and the Annual Membership Meeting.
- 11.2 Duties of the Vice-President (General Affairs)

- 11.2.1 The Vice-President (General Affairs) shall bring to the attention of the Executive Board any issues pertaining to inequitable gender practices, unfair treatment due to ethnicity, or other issues pertaining to human rights within the Local or the workplace at large.
- 11.2.2 The Vice-President (General Affairs) may be responsible for undertaking specific educational and/or mobilization campaigns as determined by the Executive Board.
- 11.2.3 The Vice-President (General Affairs) shall submit a report about their duties at the General Membership Meeting and the Annual Membership Meeting in accordance with Bylaw 10.12.
- 11.2.4 The Vice-President (General Affairs) shall make efforts to ensure communication between the Local and other unions and organizations that impact the membership at the workplaces. They shall also make efforts to ensure that the Local is up to date about all relevant events and information.
- 11.3 Duties of the Vice-President (Unit One) and Vice President (Unit 2)
- 11.3.1 The Vice-Presidents (Unit 1 and Unit 2) shall have the primary responsibility to diligently represent their respective Units.
- 11.3.2 The Vice-Presidents (Unit 1 and Unit 2) shall bring to the attention of the Executive Board all grievances which come to the Vice-Presidents' (Unit 1 and Unit 2) attention, report to the Executive Board on all business conducted by the Grievance Committee, including all Committee recommendations for Executive Board decision or action.
- 11.3.3 The Vice-Presidents (Unit 1 and Unit 2) shall maintain adequate records of all grievances conducted by the Local or Union to be maintained in the Local office.
- 11.3.4 The Vice-Presidents (Unit 1 and Unit 2) shall call, give proper notice for, and preside over all meetings of the Liaison Committee as per Bylaw 18.3.
- 11.3.5 The Vice-Presidents (Unit 1 and Unit 2) shall normally represent the Local and attend any and all meetings regarding the implementation of the Collective Agreement and grievances arising from their respective Unit.
- 11.3.6 The Vice-Presidents (Unit 1 and Unit 2) are *ex officio* members of the Liaison Committee.
- 11.3.7 The Vice-Presidents (Unit 1 and Unit 2) may be responsible for undertaking specific educational and/or mobilization campaigns as determined by the Executive Board.
- 11.3.8 The Vice-Presidents (Units 1 and Unit 2) shall liaise regularly with the Secretary and

- Vice-President (General Affairs) in developing educational and mobilization materials.
- 11.3.9 The Vice-Presidents (Unit 1 and Unit 2) may be responsible for performing or coordinating research tasks as directed by the Executive Board.
- 11.3.10 The Vice-Presidents (Unit 1 and Unit 2) shall submit a report about their duties at the General Membership Meeting and the Annual Membership Meeting in accordance with Bylaw 10.12.
- 11.4 Duties of the Treasurer
- 11.4.1 The Treasurer shall be responsible for the payment of expenditures, the keeping of financial records of the Local and shall ensure that receipts are given for all monies received in a manner acceptable to the Executive Board and in accordance with good accounting practices and the Bylaws.
- 11.4.2 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 as the Executive Board may direct in the name of the Local.
- 11.4.3 The Treasurer shall prepare all CUPE National per capita tax forms and remit payment no later than the last day of the following month.
- 11.4.4 The Treasurer shall report on the finance of the Local at each meeting of the Executive Board, shall normally chair all financial and budget Committees established at the Local, and shall present a written financial report at the Annual and Regular Membership Meetings for the fiscal period of such meeting, in accordance with Bylaw 7.
- 11.4.5 The Treasurer shall be bonded through the master bond held by the CUPE National Office, and any Treasurer not qualified for said bond shall be disqualified from office.
- 11.4.6 The Treasurer shall pay no request for monies (in accordance with Bylaw 8.2) unless approved by the Executive Board. All authorized requests for monies shall be paid with a cheque signed by the Treasurer and one other executive member.
- 11.4.7 The Treasurer shall make all financial ledgers available for inspection by the auditor(s) and/or Trustees on reasonable notice, and have all said ledgers audited semi-annually.
- 11.4.8 The Treasurer shall provide the Trustees with any information they may require to complete the audit report forms supplied by the CUPE National Office.
- 11.4.9 The Treasurer shall provide a statement on the forms supplied by the CUPE National Office, showing the net amount of tax-deductible dues paid within the preceding

calendar year to the Executive Board, the National Representative, and the Membership at the General Membership and the Annual General Membership Meeting to be held in accordance with Bylaw 7.1.1.

11.4.10 The Treasurer shall, on termination of the position of Treasurer, immediately surrender all books, records, and other properties of the Local to the succeeding Secretary-Treasurer (Articles B.3.4 – B. 3.9).

11.5 Duties of the Secretary

11.5.1 The Secretary shall provide a full, correct, and impartial account of the proceedings of meetings of the Executive Board and Membership Meetings, which shall be kept in the Local Office.

11.5.2 The Secretary shall duly record all alterations of the Bylaws enacted at a Membership Meeting and provide all Membership Meeting minutes to the Executive Board. .

11.5.3 The Secretary may be required to answer correspondence and be responsible for proper distribution and maintenance of the records of all correspondence of the Local, and fulfill other secretarial duties as directed by the Executive Board.

11.5.4 The Secretary shall prepare and distribute all circulars, notices, and other information packages deemed appropriate by the Executive Board to all members of the Local.

11.5.5 The Secretary, in conjunction with staff, shall be responsible for the compilation and publication of the Local newspaper and/or newsletter, members' handbooks, stewards' manuals, and other such materials as are deemed necessary by the Executive Board.

11.5.6 The Secretary shall develop an annual publication schedule and agenda for approval by the Executive Board within one month of the Annual General Meeting or of taking office. The schedule shall normally include at least eight (8) newsletters per year.

11.5.7 The Secretary shall establish appropriate and binding deadlines for the submission of material for publication.

11.5.8 The Secretary shall make all records of the Local available for inspection by the auditor(s) and/or Trustees on reasonable notice.

11.5.9 The Secretary shall, on termination of the office of Secretary, immediately surrender all records, seals, and other properties of the Local to the succeeding Secretary.

11.6 Duties of Trustees

11.6.1 The Trustees shall act as an auditing committee on behalf of the Local and audit the books and accounts of the Secretary-Treasurer, the Secretary, the Standing

Committees, and the record of attendance at least once per year (Articles B.3.10 to B.3.12).

- 11.6.2 The Trustees shall be responsible to ensure that monies are not paid out without proper constitutional or membership authorization.
- 11.6.3 The Trustees shall 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, and report their findings to the membership.
- 11.6.4 The Trustees shall use audit forms supplied by the National Office of the Union and send a copy of each yearly audit to the National Secretary-Treasurer in accordance with the provisions of the Constitution (Article B.3.11 and B. 3.12).
- 11.6.5 The Trustees shall be members of the Elections Committee so long as their position is not up for election and shall ensure the fair conduct of the annual general elections and any mail-in referenda.

## **ARTICLE 12 – DISCIPLINE OF EXECUTIVE MEMBERS**

- 12.1 All charges against officers or members must be made in writing and dealt with in accordance with Article B.XI of the National Constitution.

## **ARTICLE 13 – OUT-OF-POCKET EXPENSES**

- 13.1 Officers and other members of the Local will be reimbursed for reasonable expenses resulting from performing duties required by the Bylaws. These will include lost wages, if applicable, parking, food or beverages for meetings with members. Such expenses must be submitted to the Local with receipts on the required expense form to a maximum per month as stipulated in Appendix I. The expense submission will include per diems for meals in accordance Bylaw 13.2. Out-of-pocket expenses that exceed the maximum amount per month in accordance with Appendix I must have prior approval at a meeting of the Executive Board.
- 13.2 The Local Union will provide a per diem for meals as set out in Appendix I to each member participating in Negotiations, Labour Management Meetings, Grievance and Arbitration Proceedings or Training Courses at the specific request of the Local Union unless a meal is provided.
- 13.3 The maximum allowable monthly expense allowance for out of pocket expenses, the per diem amounts and the term for which said allowance may be claimed, shall be determined normally at the Annual Membership Meeting.

- 13.4 Local members including Executive members who have been appointed to serve on a National or Regional Committee or who attend National or Regional Union training session or meetings will be compensated under the CUPE Expense Reimbursement Policy.

#### **ARTICLE 14 – NOMINATION, ELECTION, AND INSTALLATION OF OFFICERS**

- 14.1 Notice of vacant positions, nomination process and elections shall be given sixty (60) days in advance of the Annual General Meeting at which elections will take place.
- 14.2 Nominations for all contested officer positions shall commence one month in advance of the Annual General Meeting, and close at the adjournment of the Annual General Meeting. All candidates, nominators and those who second the nominations must be members in good standing of the local. All nominees must be present at the meeting or provide written consent to running for the election.
- 14.3 The President, Vice-President (General Affairs), Secretary, and Treasurer shall be elected at large from among the members of both Units of the Local. The Vice-President (Unit 1) and Vice-President (Unit 2) shall be elected from among the members of their respective units.
- 14.4 The Elections Committee will be formed consisting of the Local's Trustees. After the nominations period has closed, each candidate may appoint a scrutineer to sit as a non-voting member of the Elections Committee. As well, the National Staff Representative may sit on this committee as an observer. The committee will ensure the fair conduct of the election and establish the date, time and polling locations for the election. Each candidate may take one (1) week to run their campaign. Each candidate may:
- (a) Use one poster as campaign material.
  - (b) Make one handbill to distribute to members.
  - (c) Send out one email through the Local's email list describing their qualifications for the position they are contesting.
- 14.5 In the event that a Trustee runs for office, or is otherwise unavailable, the members shall elect another member of the Local from the floor by simple majority as a replacement.
- 14.6 During the election campaign the incumbent Executive Officers shall carry out their duties to maintain the orderly conduct of the Local until the election is concluded.
- 14.7 The election shall take place by secret ballot over one (1) day at a location(s) to be determined by the Elections Committee. If possible, advance polls may be provided

to members who are unable to vote on the date of the election. Each candidate shall be allowed one (1) scrutineer (not the candidate) at the ballot count.

- 14.8 The person receiving the largest number of votes for a given position shall stand elected. The results of the balloting will be announced as soon as possible after the election. In the event of a tie vote, the presiding officer may cast the deciding vote.
- 14.9 Any protest alleging “unfair ballot” or other irregularity must be presented in writing to the Elections Committee of the local within seven (7) days of the announcement of the results of the ballot. Upon receipt of such a protest, the Elections Committee shall investigate the matter. If the protest is found to have substance, another ballot shall be conducted. All ballots and voting lists shall be held by the Elections Committee for a reasonable period of time after the election. A motion to destroy the ballots shall be in order at a membership meeting following the election.
- 14.10 Those elected to the Executive Board shall take office at the first Executive meeting following the announcement of the results. The term of an Executive Board member shall be for two (2) years.
- 14.11 Trustees shall be elected by the membership from the floor by secret ballot at the General Membership Meeting held in the fall in accordance with clause 7.1.1. At the first election of officers in a local union the Trustees shall be elected so that one shall serve for a period of three (3) years, one for two (2) years and one for one (1) year. Each year thereafter the local union shall elect one Trustee for the three (3) year period. Elected Trustees shall take office upon the adjournment of the General Membership Meeting held in accordance with clause 7.1.1.
- 14.12 The Trustees shall complete all duties assigned to them in accordance with Bylaw 11.6. If the Trustees fail to complete their duties the membership can recall them at the General Membership Meeting or the Annual Membership Meeting, so long as reasonable notice of the motion has been given. A motion to proceed with a vote to recall a trustee must be put forward by a member in good standing and approved by a majority vote in accordance with Bylaws 7.4.3 and 7.4.5. The officer in question must be given an opportunity to speak their case. The recall vote must be by secret ballot and shall be decided by a 2/3 majority.

## **ARTICLE 15 – FEES, DUES, AND ASSESSMENTS**

- 15.1 Each member of the Local shall pay such union dues as are determined from time to time by the Local at properly constituted Membership Meetings.
- 15.1.1 The monthly dues for members shall be two (2%) percent of earnings.
- 15.2 Any change in the level of the Initiation Fee, the Re-admittance Fee, or the Monthly Dues can be affected only by following the procedure for amendment of the Bylaw

21, with the additional provision that the vote must be conducted by secret ballot if so ordered by the membership (Articles B.4.1 and B.4.3).

- 15.3 Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, the Bylaws will be deemed to have been automatically amended to conform to the new CUPE minima.
- 15.4 Special assessments may be levied in accordance with Article B.4.2 of the Constitution.

#### **ARTICLE 16 – NON-PAYMENT OF DUES OR ASSESSMENTS**

- 16.1 Any member in arrears for a period of three months or more shall be automatically suspended from membership in the Local and the suspension shall be reported to the Executive Board by the Secretary-Treasurer. The Executive Board shall report to the next Regular Membership Meeting with a recommendation.

#### **ARTICLE 17 - DELEGATES TO CONVENTIONS AND CONFERENCES**

- 17.1 All delegates to conventions shall be chosen by the Executive Board.
  - 17.1.1 Any member of the Local who is in good standing is eligible to be considered as a delegate.
- 17.2 All delegates appointed to the conventions shall be paid in accordance with Bylaw 13.4.
- 17.3 All delegates attending conventions must prepare and submit to the Executive Board a written report prior to the next Regular Membership Meeting.

#### **ARTICLE 18 – COMMITTEES**

- 18.1 Each committee shall make decisions according to a simple majority vote by committee members, including electing committee chairs.
- 18.2 Negotiating Committee
  - 18.2.1 The membership of a particular unit present at a timely Membership Meeting, or present at a specially called meeting open to all members of that Union, shall elect a Negotiating Committee for that unit of not less than three (3) and not more than five (5) members in good standing of that Union. Unit 3 is exempt from the minimum number of members required to be on the committee.

18.2.2 The President and the Vice President responsible for that unit shall be a member of each Negotiating Committee.

18.2.3 The Chief Negotiator for each Unit shall be selected by and from the members of the Negotiating Committee for that Union and shall be the spokesperson in all negotiations for the Unit with the Employer.

18.2.4 The function of each Negotiating Committee is to prepare collective bargaining proposals for the Unit it represents and to negotiate a collective agreement for for that Unit.

18.2.5 The CUPE National Representative assigned to the Local shall be an ex officio, non-voting member of each Negotiating Committee and may be consulted at all stages of the negotiating process from formulating proposals, through negotiations, to contact ratification by the membership of that Unit.

### 18.3 The Liaison Committee

18.3.1 A Liaison Committee may be formed consisting of a maximum of two (2) members in good standing from each academic unit/department. Vice-President (Unit 1) and Vice-President (Unit 2) shall be Co-Chairs of the Liaison Committee. The President of the Local is an *ex officio* member of the Liaison Committee.

18.3.2 Upon agreement between the Co-Chairs and the President, members in good standing who have expressed interest in working with the Liaison Committee may be invited to sit as a committee member. If there is enough interest in an academic unit/department, an election may be held in accordance with Bylaw 18.3.3.

18.3.3 If an election is necessary the members in good standing of any academic unit/department may elect their Committee members to sit for one (1) year. When it is determined by the Executive Board that an election is necessary in a specific unit/department, a general call for nominations shall be sent to members in that unit/department via email and posted on the Local Union's website. The nomination period shall at least one week. Where no more than two (2) nominees come forward from an individual academic unit/department, the nominees shall be acclaimed as members of the Liaison Committee. Where more than two (2) nominees from any one unit/department come forward, there shall be a secret ballot election to determine Committee members for that academic unit/department. The Vice-Presidents (Unit 1 and Unit 2) shall organize a secret ballot election to be held within two (2) weeks of the close of nomination. The membership shall be provided with a minimum one week notice as to the time and place of the vote. Members in good standing in that unit/department shall be eligible to vote in any contested election. Each voter shall vote for up to two (2) candidates per department. The two (2) candidates with the most votes shall be elected.

18.3.4 Where a position is vacant, the President may appoint a member in good standing from that academic unit to serve on the committee for that academic unit/department.

18.3.5 The Liaison Committee shall ensure ongoing organizing within academic units/departments, shall educate and advise members in their academic units/departments as to their rights and obligations under the collective agreement, shall ensure open communication between the Executive Board and members of the Local, and ensure open communication between the Local and any other organizations, where appropriate.

18.3.6 The Liaison Committee shall meet as needed at meetings called by the Co-Chairs of the Committee. Members of the Committee shall report back to the committee all matters of concern from their respective academic unit/department. In addition, these meetings shall be used to share expertise, seek advice, and in general ensure Committee members are provided the support and training they need to represent the members of the Local.

18.3.7 Where necessary, the Liaison Committee shall recommend to the Executive Board that a decision on any given matter is required, or that specific action should be taken.

18.3.8 Each Committee member shall hold in strict confidence all information pertaining to any complaint or grievance of which they are aware. Such information is the property of the Local Executive Board.

#### 18.4 The Gender, Ethnicity and Politics Committee

18.4.1 The Local Union may establish a Gender, Ethnicity and Politics Committee consisting of members in good standing. One Executive Board female officer may sit *ex officio* on the Gender, Ethnicity and Politics Committee. In the absence of this Committee the responsibilities would fall to the Executive Board.

18.4.2 The Gender, Ethnicity and Politics Committee shall endeavor to work towards ensuring that the affairs of the Local, comply with equitable gender practices, and work to eliminate bias, lack of representation, misrepresentation, and/or discrimination based on national or ethnic origin, gender, age, sexuality, religion or other prohibited characteristics; as provided for under the Bylaws, the Constitution, legislation, and the Canadian Charter of Rights and Freedoms.

18.4.3 The Gender, Ethnicity and Politics Committee would be a forum to discuss issues of concern to CUPE members including, but not limited to, current economic and social issues concerning gender, ethnic or national origin, sexuality, and/or religious practices which impact members' lives at work and in the home.

18.4.4 Where necessary, the Gender, Ethnicity and Politics Committee would recommend to the Executive Board that a decision on any given matter is required, or that specific action should be taken.

18.4.5 Each Committee member shall hold in strict confidence all information pertaining to any complaint or grievance of which the member is aware. Such information shall only be revealed to the Chair of the Gender, Ethnicity and Politics Committee or to the entire

Committee when in session.

18.4.6 The Gender, Ethnicity and Politics Committee and/or the Executive Board shall agitate and advocate amongst the membership of the Local to welcome participation from under represented groups on the Executive Committee, Trustees, and on all other committees of the Local. The status of equitable representation within the Local should be reviewed regularly by the Executive Board in the absence of a Committee.

#### 18.5 Special Committees

18.5.1 The members present at a Membership Meeting may establish a special *ad hoc* committee for a specified purpose and period such as deemed appropriate to carry out the activities of the local.

18.5.2 The members of a special *ad hoc* committee shall be elected at the same or another Membership Meeting or may, by specific authorization of the membership, be appointed by the President of the Local or the Executive Board. Two (2) members of the Executive Board may sit on any special committee as *ex officio* members.

18.5.3 All special *ad hoc* committees of the Local shall be responsible for electing their own chairs by simple majority vote to be conducted at a committee meeting, and for maintaining accurate records of their deliberations. Such records shall be kept on file at the Local office.

18.5.4 Special *ad hoc* committees shall have the power to recommend specific policies and activities to the Executive Board.

#### 18.6 Health & Safety Committee

18.6.1 There shall be a Health & Safety Committee consisting of all local members sitting on the University of Manitoba Local Area Safety Committees and the Organizational Safety & Health Advisory Committee. President may sit as an *ex officio* member of the Health & Safety Committee.

18.6.2 Vacancies on Local Area Safety Committees may be filled through election at general meetings. Elected terms shall be for two (2) years. Where a vacancy occurs between General Meetings, the President may appoint interim members to Local Area Safety Committees.

18.6.3 Members of Local Area Safety Committees must currently work, or have worked in the last 12 months, in the area to which the committee is responsible.

18.6.4 The committee shall elect a Chair who shall be responsible for calling and chairing meetings of the committee and shall report to the Executive and the membership on issues affecting the Health & Safety of members and the University community at large. Where the Chair is vacant, the President may appoint an interim Chair

18.6.5 The Health & Safety Committee shall meet quarterly at meetings called by the Chair of the Health & Safety Committee. Members of the committee shall report back to the committee all health & safety concerns that have been addressed, or still need to be addressed, by their respective University committees. In addition, these meetings may be used to share expertise, seek advice, and in general ensure members of the committee are provided the support they need to represent the membership on University safety committee.

## **ARTICLE 19 – STRIKES**

- 19.1 Where a decision to strike has been made in accordance and the Bylaws, and so ordered, every member shall endeavour to support the strike in a sincere and conscientious manner.
- 19.2 Every member shall comply with the strike policy of the Local.
- 19.3 Every member shall comply with the directions and/or instructions issued by the Executive Board during the period of the strike.
- 19.4 Every member shall endeavour to participate in strike duties and activities as scheduled by the Executive Board or it's designates during the period of the strike.
- 19.5 Every member participating in strike activities shall at all times, act in accordance with the law, and shall knowingly perform no illegal act in person or in concert during the period of the strike.
- 19.6 Upon termination of the strike, the President and Treasurer of the Local shall provide the Executive Board and membership with a complete written report on the disbursement of any monies from the strike fund.

## **ARTICLE 20 - RULES OF ORDER**

- 20.1 All proceedings of the Local, to ensure free and fair debate, shall be conducted in accordance with the basic principles of Canadian parliamentary procedure.
- 20.2 Notwithstanding Bylaw 20.1, all proceedings of the Local shall be conducted in accordance, where applicable, to Appendix A of the Constitution and the Bylaws.
- 20.3 Notwithstanding Bylaw 20.2, in situations where points of order and procedure are subject to question, *Bourinot's Rules of Order* shall be consulted and applied.

## **ARTICLE 21 – AMENDMENT TO THE BYLAWS**

- 21.1 The Bylaws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a Membership Meeting following a notice of motion (Article B.7.1).
- 21.2 In Accordance with Article B.7.1 of the Constitution, any two members in good standing of the Local may propose an amendment to the Bylaws by submitting a written notice of motion that is signed by both members. Notice of motion for amendment to the Bylaws must contain the exact wording of the proposed amendment.
- 21.3 No change in the Bylaws shall be valid and take effect until approved by the National President of CUPE. The validity shall take effect and date from the letter of approval of the National President (Article 12.3 and B.7.1).

## **ARTICLE 22 - PRACTICE AND POLICY IN THE HANDLING OF GRIEVANCES**

- 22.1 The Executive Board shall have the final authority in submitting a grievance to arbitration. The Executive Board shall consider submitting to arbitration any grievances denied at earlier steps of the Collective Agreement's grievance procedure. If the decision is not to proceed, the-member(s) may appeal the decision to the Executive Board.

## **APPENDIX I: OUT-OF-POCKET EXPENSE GUIDELINES**

The following guidelines shall apply to Article 13 Out-of-Pocket Expense allowances until revised or rescinded:

- (1) The Executive Board shall receive a maximum of \$200.00 per month in remuneration for out-of-pocket expenses resulting from the duties required by the Bylaws.
- (2) The Local Union per diem for meals as stipulated in Article 13.2 shall be twenty dollars (\$20.00) per day or ten dollars (\$10.00) per half day (4 hours).

## **APPENDIX II: HONORARIA**

- (1) Executive Committee Members, as per Article 9.1, with the exception of Trustees, shall receive an honorarium of four hundred dollars (\$400) per month for the performance of their duties in accordance with the Bylaws

## RULES OF ORDER

1. The President or, in their absence, the one of the Vice-Presidents, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Secretary shall act as President, and in their absence a President pro-tem shall be chosen by the Local.
2. No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five (5) minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chairpersons and movers of a resolution shall be limited to fifteen (15) minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, the question shall then be put.
4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must be recognized by the chair.
5. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
6. On motion, the regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
8. At the request of any member, and upon a majority vote of those present, a question may be divided when the sense will admit of it.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or to make a motion, he/she shall rise in his/her place and respectfully address the presiding officer, but, except to state that he rises to a point of order or on a question of privilege, he shall not proceed further until recognized by the chair.
11. When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.

12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or member thereof.
13. If a member, while speaking, is called to order, he shall cease speaking until the point is determined; if it is decided he is in order, he may again proceed.
14. No religious discussion shall be permitted.
15. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he may in addition give a casting vote, or, if he chooses, refrain from breaking the tie, in which case the motion is lost.
17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen (15) minutes have elapsed.
21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a decision. A standing vote shall then be taken and the Secretary shall count same.
22. If any member wishes to challenge (appeal) a decision of the chair, he must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for his challenge. The Chairperson may then state briefly the basis for his decision, following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie the chair is sustained.

23. After a question has been decided, any two (2) members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without permission of the Vice-President.
25. The Local's business, and proceedings of meetings, are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.
26. All committee and executive meetings shall be confidential and shall not be discussed outside of that committee. If found out to be divulging information outside the committee, that person shall be asked to step down from office

## 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.

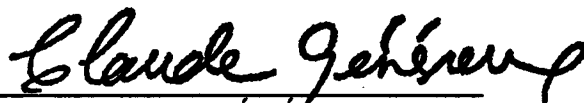
Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our union.

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



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PAUL MOIST  
National President



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CLAUDE GÉNÉREUX  
National Secretary-Treasurer