



Bylaws Local Union 1385

Approved by National: **July 14, 2021**
Approved by Membership: **May 12, 2021**

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INTRODUCTION

Local 1385 of the Canadian Union of Public Employees has been formed to:

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

The following bylaws are adopted by Local 1385 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

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

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

SECTION 1 – NAME

The name of this Local shall be: Canadian Union of Public Employees, Local No. 1385
(City of Stratford)

SECTION 2 – OBJECTIVES

The objectives of the Local are to:

- (a) Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;
- (b) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (c) Encourage the settlement by negotiation and mediation of all disputes between the members and their employers.

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

SECTION 3 – INTERPRETATION and DEFINITIONS

- (a) Masculine pronouns shall be understood to include the feminine gender.

SECTION 4 – REFERENCES

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

SECTION 5 – MEMBERSHIP

- (a) **Oath of Membership**

New members will take this oath:

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

(Article B.8.4)

(b) **Continuation of Membership**

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

(Article B.8.3)

(c) **Member Obligations**

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

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

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

SECTION 6 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 1385 shall be affiliated to and pay per capita tax to the following organization(s).

- The CUPE Ontario Provincial Division
- The Stratford and District Labour Council

SECTION 7 – MEMBERSHIP MEETINGS

- (a) **Regular membership meetings** of Local 1385 shall be held on the second Wednesday in the months of March, May, September, October and November in the evening, at an in person or virtual meeting. Notice of each regular membership meeting outlining the date, time and location shall be given to members at least seven (7) days in advance of the meeting.

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

- (b) **Special membership meetings** of Local 1385 may be ordered by the Executive Board or requested in writing by no fewer than 10 members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least twenty-four (24) hours' notice of the special meeting and 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 ten (10) members, plus two (2) members of the Executive Board.

- (d) The order of business at regular membership meetings is as follows:

1. Roll call of Officers
2. Acknowledgement of the Indigenous Nations
3. Reading of the Equality Statement
4. Voting on new members and Initiation
5. Reading of Minutes
6. Matters arising
7. Treasurer's report
8. Communications and bills
9. Executive Board Report
10. Reports of committees and delegates
11. Nominations, Elections, or Installations
12. Unfinished business
13. New business
14. Good of the Union
15. Adjournment

(Article B.6.1)

SECTION 8 – OFFICERS

The officers of Local 1385 shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, and three (3) Trustees. All officers shall be elected by the membership.

(Article B.2.1 & B.2.2)

SECTION 9 – EXECUTIVE BOARD

(a) The Executive Board shall comprise all officers, except Trustees.

(Article B.2.2)

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

(Article B.3.14)

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

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

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

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

(Article B.2.5)

SECTION 10 – DUTIES OF OFFICERS

Each Officer of Local 1385 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

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

(Article B.3.9)

All signing Officers of Local 1385 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

(Article B.3.5)

(a) **The President shall:**

- enforce the CUPE Constitution and these bylaws and the Equality Statement.
- 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;
- introduce new members and conduct them through the initiation ceremony;
- sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, Local Union bylaws, or vote of the membership;
- be allowed necessary and reasonable funds, to reimburse the President or any officers. Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached.
- have first preference as a delegate to the CUPE National Convention.

(Article B.3.1)

(b) **The Vice-President shall:**

- if the President is absent or not eligible, perform all duties of the President;
- Preside over membership and Executive Board meetings in the absence of the President.
- if the office of President falls vacant, be Acting President until a new President is elected through a by-election;
- render assistance to any member of the Board as directed by the Board.

(Article B.3.2)

(c) **The Recording Secretary shall:**

- Take attendance at all meetings.
- Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports.

- Record all amendments and/or additions in the bylaws and make certain that these are sent to the National President for approval prior to implementing.
- answer correspondence and fulfill other secretarial duties as directed by the Board;
- file a copy of all letters sent out and keep on file all communications;
- prepare and distribute all circulars and 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 necessary stenographic or other assistance to be paid for out of the Local's funds;
- Performs other duties required by the Local Union, its bylaws or the National Constitution.

(Article B.3.3)

(d) **The Secretary-Treasurer shall:**

- receive all revenue, dues, keeping a record of each member's payments, and deposit all money with a bank or credit union
- sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment no later than the last day of the following month.
- throughout his/her term, and on behalf of the Local Union membership, be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union;
- record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices;
- make a full financial report to meetings of the Local's Executive Board, as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period;
- be bonded through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;
- pay no money unless supported by a Cheque requisition or expense form or request for payment duly signed by the President and one other member of the Board or any two other members of the Board, except that no voucher 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 auditors and/or the Trustees on reasonable notice, and have the books audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees;
- provide the Trustees with any information he may need to complete the audit report forms supplied by CUPE;
- be empowered, with the approval of the membership, to employ necessary clerical assistance to be paid for out of the Local's funds;

(Articles B.3.4 to B.3.9)

(e) **The Trustees shall:**

- act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary and the Standing Committees at least once every calendar year;
- make a written report of their findings to the first membership meeting following the completion of each audit;
- submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner;
- be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
- ensure that proper financial reports are made to the membership;
- audit the record of attendance;
- inspect at least once a year any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the membership;
- send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents;

- Completed Trustee Audit Program
- Completed Trustee's Report
- Secretary-Treasurer Report to the Trustees
- Recommendations made to the President and Secretary-Treasurer of the Local Union
- Secretary-Treasurer's response to recommendations
- Concerns that have not been addressed by the Local Union Executive Board

(Articles B.3.10 to B.3.12)

SECTION 11 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

(a) Nomination

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

(b) Elections

1. The President and Recording Secretary are elected in even years. The Vice-President, Secretary Treasurer are elected in odd years.

For the purpose of conducting elections the president shall, subject to the approval of the members appoint a Returning Officer who shall be a member in good standing and not a candidate for office. Election for the above positions shall be by a simple majority (more than 50%) of votes cast at the General Membership election meeting.
2. The returning officer shall have full responsibility for voting arrangements and shall treat information submitted in connection with its responsibilities confidential. The National Representative assigned to the Local Union shall serve as an advisor to the officer when requested by the Local Union.
3. The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
4. The Returning Officer shall be responsible for issuing, collecting, and counting ballots. He must be fair and impartial and see that all arrangements are unquestionably democratic.

5. The voting shall take place at the regular membership meeting in November. The vote shall be by secret ballot.
6. Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
7. A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballot shall be dropped.
8. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary, until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
9. When two or more nominees are to be elected to any office by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
(Article 11.4)
10. Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as laid down in Section 6 (c).

(c) Installation of Officers

1. All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for two year(s) or until a successor has been elected and installed, provided, however, that no term of office shall be less than one year and no longer than two years.
(Article B.2.4)
2. The terms of office for Trustees shall be so that one serves for a period of three years, one for two years, and one for one year, as laid down in Article B.2.4 of the CUPE National Constitution. Each year thereafter, the Local Union shall elect one Trustee for a three-year period. No member who has been a signing Officer for the Local Union is eligible to run for Trustee, until at least one full term of office has elapsed.

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

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

(Article 11.6(b))

(d) **By-election**

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

SECTION 12 – DUES and ASSESSMENTS

(a) **Initiation Fee**

Payment of initiation fee is a tangible confirmation of the desire to become a member of your Local Union and the Canadian Union of Public Employees. Each application for membership in the Local Union will be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of \$1. dollar which shall be in addition to the monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

(Articles B4.1 and B.8.2)

(b) **Readmission Fee**

The readmission fee shall be \$1.

(Article B.4.1)

(c) **Monthly Dues**

The monthly dues shall be 1.3% of regular wages.

(Article B.4.3)

(d) Amending Monthly Dues

The regular monthly dues may be amended at a regular or special membership meeting. The vote must be by secret ballot. Notice of at least seven (7) days at a previous meeting or sixty (60) days in writing must be given.

(Article B.4.3)

(e) Assessments

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

(Article B.4.2)

SECTION 13 – EXPENDITURES

(a) Payment of Local Union Funds

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

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

(Article B.4.4)

(b) Payment of Per Capita Tax

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

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

In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than \$500., a notice of motion must be made at a regular membership meeting and then approved at the following regular or special membership meeting before the grant or contribution can be paid out. The approval meeting must be no earlier than seven days after the meeting where notice of motion has been given.

(d) No Officer or member of Local 1385 will be allowed to spend any Local Union funds without first having received authorization under Section 13 (a) of these bylaws.

SECTION 14 – HONORARIUMS

Local Union Officers and committee members shall be provided an honorarium allowance paid in May and November of each year as follows:

Position	Payment in May	Payment in November
President	\$1,500.00	\$1,500.00
Vice President	\$1,100.00	\$1,100.00
Recording Secretary	\$750.00	\$750.00
Secretary Treasurer	\$750.00	\$750.00
Chief Steward	\$500.00	\$500.00
Steward	\$250.00	\$250.00
Trustee	\$100.00	\$100.00

SECTION 15 – CHILD CARE, DEPENDENT CARE AND ELDER CARE

Caring for children, dependents or the elderly are barriers to actively participating in the union or to attending membership meetings. Local 1385 is committed to removing barriers within its control so that all members have equal access to participation.

- (a) When it is practical and demand warrants, Local 1385 will provide on-site child care at all Local Union membership meetings. Where on-site child care is not provided, and in the case of dependent care or elder care, members will be reimbursed to a maximum of the living wage for the area for each hour of required care. Reimbursement will be provided upon proof of payment.
- (b) Any member who is on authorized Local 1385 business shall be eligible for child care, dependent care, and/or elder care expenses where required. Upon proof of payment, claims shall be reimbursed to a maximum of the living wage for the area for each hour of care required.
- (c) Claims will not be paid for a spouse, partner, or a family member who normally provides care 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 16 – DELEGATES TO CONVENTIONS

- (a) Except for the President's option [Section 9 (a)], all delegates to conventions shall be chosen by election at membership meetings.
- (b) All delegates attending conventions, conferences, educational on behalf of the local, held outside the City of Stratford shall be paid transportation expenses (at economy, tourist or coach rates), a per diem allowance of \$30.00 dollars over and above for meals and expenses. The Local Union will reimburse the member's employer for any loss of wages.
- (c) Delegates to conventions, conferences, educationals on behalf of the local, held locally shall have no travel allowance. There shall be a per diem allowance of \$30.00 dollars over and above for meals and expenses incurred. The Local Union will reimburse the member's employer for any loss of wages.
- (d) Local 1385 will provide members with their per diem allowance prior to their attending the convention, conference, or educational.
- (e) Local 1385 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals.

SECTION 17 – COMMITTEES

(1) Special Committees

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

a. Negotiating Committee

This will be a special committee established at least eight (8) months (March) prior to the expiry of the Local Union's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of three (3) appointed executive members and two (2) elected members at a membership meeting, provided they have attended at least 3 of 5 of the membership meetings in the previous 12 months. 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.

Where possible, all members of Local 1385 negotiating committee shall attend Level 1 and Level 2 of CUPE's collective bargaining educationals.

(2) Permanent Committees

The Chairperson of each permanent committee will be elected by the members at a membership meeting. Permanent committees will have a term of two years. The Chairperson and the Executive Board may, with the approval of the membership, jointly appoint other members to serve on a committee. Committees will provide written reports to each regular membership meeting. The Vice-President shall be a member, ex-officio, of each committee. Where possible, all committee members of Local 1385 shall attend CUPE educationals.

There shall be three (3) permanent committees as follows:

(a) Grievance Committee

This committee will:

- Oversee the handling of all local grievances.
- Receive copies of all grievances.
- Prepare a report on the status of all grievances to be submitted to the Executive Board, the National Representative, and to the membership meeting.
- When a grievance is not settled in the initial steps provided for in the collective agreement, this committee will decide whether or not the grievance should proceed to arbitration.
- If the decision is to not proceed, the grievor(s) may appeal the decision to the Executive Board.

The committee members will be the elected chairperson and three (3) stewards. The committee shall appoint its secretary from among its members. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.

(b) Health and Safety Committee

This committee will:

- Work to educate members on the importance of workplace health and safety.
- Prepare and present reports to the regular membership meetings.
- Organize an April 28th Day of Mourning ceremony each year.
- Participate on the Joint Worksite Health and Safety Committees (JWH&SC) at their workplace.
- Ensure that the worker representatives on the JWH&SC meet separately from the employer to prepare for meetings with the employer.
- Promote safe work procedures and environments so as to prevent illness and injury as a result of workplace factors.
- Immediately bring to the attention of the employer any workplace hazard that has the potential to cause members' illness or injury.
- Work to eliminate all workplace hazards, be they physical, environmental, or social.

Members of this committee should be designated as a "Certified Worker Representative" in accordance with the legislation in their respective jurisdictions (provincial, federal).

The committee members will be the elected chairperson and two (2) members.

The committee shall appoint its secretary from among its members.

(c) Social Committee

This committee will:

- Arrange and conduct all social, cultural, and recreational activities of the Local Union, either on the committee's own initiative or as a result of decisions taken at membership meetings. The committee shall submit reports and proposals to the Executive Board or to the membership as required.

A budget for the committee will be fixed annually by the membership but, other than that, all social, cultural, and recreational events and activities shall be self-supporting.

The committee members will be the chairperson and four (4) members and may appoint a secretary-treasurer from among its members.

SECTION 18 – COMPLAINTS AND TRIALS

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

(Articles B.11.1 to B.11.5)

SECTION 19 – AMENDMENTS

(a) CUPE Constitution

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

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

(b) Additional Bylaws

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

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

(Articles 13.3 and B.5.1)

(c) Effective Date of Amended or Additional Bylaws

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

(Articles 13.3 and B.5.1)

Approved by National: July 14, 2021
Approved by Membership: May 12, 2021

SECTION 20 – RULES OF ORDER

All meetings of the Local 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 bylaws as **Appendix C**. These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.

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

SECTION 21 – PRINTING AND DISTRIBUTION OF BYLAWS

Members will receive a copy of Local 1385 bylaws, either in paper format or via the Local Union website at www.1385.CUPE.ca . Members requesting a copy of these bylaws will be provided a copy in English as requested. Members with special needs may request a copy of the bylaws in larger font.

SECTION 22 – RATIFICATION OF COLLECTIVE AGREEMENT

Opportunities will be made available to accommodate all shifts on the day of vote for the Collective Agreement.

SECTION 23 – DESTRUCTION OF PAPER OR ELECTRONIC CORRESPONDENCE

All general correspondence shall be kept for a maximum of two (2) years, and this may then be shredded and put out for recycling or electronically deleted of the said materials. All resolved and arbitrated grievances, minutes of meetings and Treasurer's books, plus memorandums of agreement, along with a copy of all Collective Agreements must be permanent files.

SECTION 24 – GOOD AND WELFARE

The Executive Board will ensure that the Good and Welfare of the Union is carried out as below;

- arrange a sympathy card for death of employee, employee's parent, step-parent, spouse or child, employee's brother, sister, grandchild, employee's mother-in-law, father-in-law, or grandparent.
- arrange a retirement card for a member and they shall be entitled to \$10.00 for each consecutive year of membership as a gift and payment of lifetime membership to Municipal Retirees Organization of Ontario (MROO).

Appendix A

CUPE NATIONAL EQUALITY STATEMENT

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

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

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

CODE OF CONDUCT

Local 1385 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 1385 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 1385 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 1385 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 1385 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 1385 sets out standards of behaviour for members at meetings, and all other events organized by Local 1385. 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 1385 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 1385, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

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

APPENDIX C

RULES OF ORDER

- The President or, in his absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Recording Secretary shall act as President, and in his absence a President pro-tem shall be chosen by the Local.
- No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five minutes, or more than once on the same questions 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 minutes, except with the consent of the meeting.
- 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.
- A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
- 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.
- On motion, the regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
- 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.
- As 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.
- 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.

- When a member wishes to speak on a question or to make a motion, he shall rise in his place and respectfully address the presiding officer, but, except to state that he rises to a point of order or on a questions of privilege, he shall not proceed further until recognized by the chair.
- When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
- 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.
- 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.
- No religious discussion shall be permitted.
- 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.
- 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.
- 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.
- A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be not 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.
- A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
- 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 minutes have elapsed.

- 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 division. A standing vote shall then be taken and the Secretary shall count same.
- 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 the tie the chair is sustained.
- After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
- 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 the permission of the Vice-President.
- 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.