



CANADIAN UNION OF PUBLIC EMPLOYEES  
LOCAL 7

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# Constitution & By-Laws

As approved by the  
CUPE National President  
March 2015

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## 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, co-operation 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 or homophobic, hurts and thereby divides us. So too, does discrimination on the basis of ability, age, class ethnicity and religion.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue, denigrate 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.

## **ARTICLE I - NAME**

Sec. 1 This organization shall be known as Canadian Union of Public Employees (CUPE) Local 7.

## **ARTICLE II - OBJECTS**

Sec. 1 The purpose of this Union shall be to combine the interests of the Members, elevate the social, moral and intellectual standing, to guard the financial interest, promote the general welfare and generally encourage such other purposes as may best tend to secure and maintain between the Members and the Corporation/Board, a spirit of mutual understanding and goodwill.

Sec. 2 To support CUPE in its objects as set out in Article 11 of the CUPE National Constitution in the improvement of the wages, working conditions, hours of work, job security and other conditions affecting our members.

Sec. 3 Establishing and maintaining a co-operative relations between employees and employers.

## **ARTICLE III - MEMBERSHIP**

Sec. 1 All Employees shall be eligible for membership except:

- (a) Where represented by other Unions.
- (b) Where excluded from the bargaining unit by order of the Labour Relations Board.

Sec. 2 Members reaching retirement age or becoming incapacitated, whether in receipt of a pension or not, and providing they are in good standing in the Union, can upon leaving employment, make application to the Secretary-Treasurer of the Union for an Honorary Retiring Card.

The application for an Honorary Retiring Card shall be voted on at a General Membership meeting of the Union and if passed as favourable, the Secretary-Treasurer shall issue the Retiring Card. A member possessing an Honorary Retiring Card shall be entitled to attend General Membership meetings of the local union with voice but no vote.

Retired members shall not be entitled to attend conventions and educational of CUPE or conventions and educational through affiliated associations or organizations.

- Sec. 3 All employees shall within thirty (30) days after commencement of employment apply for and maintain membership in the Union as a condition of employment and shall fill out and sign the application form provided for that purpose, which must be signed by one member in "good standing".
- Sec. 4 New members shall become entitled to all rights and privileges of membership except where this Constitution provides otherwise, and all such rights and privileges shall, except as otherwise provided in this Constitution, cease immediately upon the termination of membership for any cause.
- Sec. 5 All members shall be deemed in "good standing" of the Union, except if lost as a result of disciplinary measures applied by a trial committee (see Article B. VI - Trials Of The National Constitution).
- Sec. 6 Any member not deemed in "good standing" can request to the Executive Board in writing, to be reinstated to "good standing" by way of majority of the Executive Board vote.

#### **ARTICLE IV - DUES, INITIATION FEES, ETC.**

- Sec. 1 The initiation fee shall be \$6.00 and the regular dues of 1.75% of gross salary.
- Sec. 2 Defence Fund
- In addition to the regular union dues, employees shall pay one dollar (\$1.00) per pay cheque into a Defence Fund Account.
- Sec. 3 In the event of any job action by this Local, the Local shall have access to the Defence Fund Account, to be determined by the Executive Board.
- Sec. 4 For the purpose of the solvency of the Local, funds may be borrowed from the Defence Fund Account as determined by the Executive Board. It is understood that the funds borrowed must be repaid to the Defence Fund Account when the Local becomes financially stable.
- Sec. 5 Special assessments may be levied in accordance with Article B.4.2 of the CUPE National Constitution (as revised).

#### **ARTICLE V - EXECUTIVE OFFICERS**

- Sec. 1 The Executive Officers of the Union shall consist of the Executive Board and three Trustees.

Sec. 2 The Executive Board of the Union shall include the following:

a) TABLE OFFICERS (4 Executive Board)

To consist of:

- 1 President (2-year term)
- 1 Vice-President (2-year term)
- 1 Secretary-Treasurer (2-year term)
- 1 Recording Secretary (2-year term)

b) EXECUTIVES AT LARGE (3 Executive Board)

To consist of:

- 1 Shop Steward (2-year term)
- 2 Executives at Large (2-year terms)

In the cases of vacancies occurring, a new Executive Officer will be elected to fill only the remaining term of the position in order to reserve overlapping terms of office.

Nominations to the Executive Board for any vacancies that have occurred shall take place at the subsequent General Membership meeting that elections are to be held.

All meetings involving nominations and election of Executive Officers requires a special notice on Local 7 Bulletin Boards, seven (7) days prior to the meeting.

In the event that there are no nominations for positions designated to specific areas, the President shall temporarily reassign those duties of the position to the Executive Board Members until such time as the vacant position(s) are filled.

Sec. 3 The term of office for all Executive Board members shall be two (2) years.

The President, Secretary-Treasurer, Shop Steward and one Executive-At-Large shall be elected in odd-numbered years. The Vice-President, Recording Secretary and one Executive-At-Large shall be elected in even-numbered years.

All Executives Officers so elected shall retire at the end of their official term, but they shall again be eligible for re-election.

Sec. 4 The Union shall have three (3) Trustee positions.

The Trustees shall be elected for a three-year term in rotating years.

Sec. 5        Should any Executive Board member fail to answer the roll call for three (3) consecutive General Membership meetings or three (3) consecutive Executive Board meetings without having good and sufficient cause, which will be decided upon by the majority vote of the total Executive Board, this office shall be declared vacant.

Due to a vacancy caused by resignation, death or disciplinary measure, nominations and election to fill the vacancy shall take place, at the next available General Membership meeting.

Sec. 6        No person shall be elected or appointed to any office, as an Executive Board Member unless they have been a Member in "good standing" of the Union for at least twelve (12) months, previous to such an appointment.

No person shall be a delegate to a convention or any conference unless they are an Executive Board Member.

All delegates to a convention or any conference shall be appointed by the President.

No person shall be appointed to be a delegate to an Educational unless they are an Executive Board Member, or they have attended, at a minimum four (4) of the previous ten (10) membership meetings (General and/or Special Membership meetings). The President shall appoint all delegates to an Educational.

Sec. 7        Nominations to the Executive Board shall take place at the October General Membership meeting and elections shall take place at the November General Membership meeting. Only members nominated at the October General Membership meeting will be allowed to run for vacant positions on the Executive Board at the November General Membership meeting.

Should either the October or November General Membership meetings be cancelled, or not held due to a lack of a quorum, the Executive Board shall designate at which General Membership meeting the nominations to the Executive Board, and/or the elections, are to be held. Only members nominated at the October, or as designated, General Membership meeting, will be permitted to run for vacant positions on the Executive Board at the November, or as designated, General Membership meeting.

Sec. 8        New Executive Board Members shall immediately upon their election be entitled to attend Executive Board meetings as observers and shall officially assume their duties effective January 1st of the following year.

Sec. 9           The Executive Board Members shall be elected by a simple majority of secret ballot votes cast at the General Membership meeting so designated for the purpose of elections.

All nominees for the Executive Board and Trustees must be in attendance at the meeting in order to be elected, otherwise a written statement of the nominee's intention to allow their name to stand for a declared office must be filed with the Recording Secretary prior to the meeting.

Members of the Standing Committees shall be appointed by the President and approved by the Executive Board prior to January 1st of each year and shall assume their respective duties on January 1st.

Sec. 10          The Presiding Officer at elections shall appoint two (2) scrutineers, who must not be candidates, who shall oversee the elections and count the ballots.

## **ARTICLE VI - DUTIES OF TABLE OFFICERS**

Sec. 1           President

The President shall preside (chair) all regular and special meetings of the Union, sign all orders of the Secretary-Treasurer authorized by the Union, appoint all Committees, act as ex-officio member of all committees, and perform such other duties as may of right pertain to this office and which may be necessary for the proper functioning of the Local.

It shall be the duty of the President to see that all other Executive Board Members perform their duties strictly in accordance with the Constitution and Bylaws.

All temporary replacements of Executive Board Members due to resignation, disciplinary measures, prolonged sick leave and vacation will be selected by the President from the Executive Board.

The Secretary-Treasurer, along with the President shall prepare the annual budget and present a draft of the budget to the Executive Board Members for additional input. Once reviewed and approved by the Executive Board Members, the budget will then be presented at the first available General Membership meeting for approval.



Sec. 2      Vice-President

The Vice-President shall perform the duties of the President in the absence of that officer and in case of resignation or death of the President until such vacancy is filled as provided in this Constitution.

The Vice-President shall also preside when called upon by the President and at times when the President may be temporarily unable to discharge their duties.

They shall preside (Chair) all Executive Board meetings.

They shall also perform such other duties as may be entrusted to them.

Sec. 3      Recording Secretary

The Recording Secretary shall keep a typed, correct, full and impartial record of the proceedings of each meeting of the General Membership and the Executive Board.

They shall also attend to all the correspondence and direct it to the appropriate people.

They shall present typed minutes of the previous Executive Board meeting at the next Executive Board meeting.

They shall present typed minutes of the previous General Membership meeting at the next General Membership meeting. They shall attend all grievance meetings and present typed records of proceedings to the Shop Steward within seven (7) working days of meeting.

They shall also perform such other duties as may be entrusted to them.

Sec. 4      Secretary-Treasurer

It shall be the duty of the Secretary-Treasurer to keep a record of account between the Union and its Members and in conjunction with the Finance/Budget Committee prepare an annual budget to be approved by the membership.

This position shall receive all initiation fees and dues and shall deposit same in the name of the Union in such institutions as the Executive Board may direct.

Other duties include making all the disbursements of the Union and giving a financial report at each regular meeting of the Union.

The Secretary-Treasurer's books must be opened for inspection at the request of the Executive Board. The books and records shall be submitted to the Trustees annually on June 30 and to the external auditor at year-end on December 31 of each year.

The Secretary-Treasurer, President, Vice-President and Recording Secretary shall be bonded in an amount approved by the National Secretary-Treasurer as per the CUPE National Constitution.

If these Executive Board members cannot qualify for a bond, they shall be disqualified from office.

The Secretary-Treasurer shall ensure that the signing Executive Board Members have access to the chequebook in the absence of the Secretary-Treasurer for more than 4 days.

The Secretary-Treasurer shall forward to the National Secretary-Treasurer of CUPE, on the official monthly report forms provided, adhering to the National guidelines, all financial obligations owing to the National Union as per the CUPE National Constitution.

The Secretary-Treasurer shall forward to all Executive Board Members and Delegates of CUPE Local 7, not later than the 15th day of the next month, all financial obligations owing to each Executive Board Member or Delegate.

The Secretary-Treasurer, along with the President shall prepare the annual budget and present a draft of the budget to the Executive Board Members for additional input. Once reviewed and approved by the Executive Board Members, the budget will then be presented at the first available General Membership meeting for approval.

## Sec. 5

### Shop Steward

The Shop Steward shall assume the responsibility of chairperson of the Grievance Committee as well as preparing and presenting grievances in accordance with the provisions of the Collective Agreement.

The Shop Steward shall present typed reports outlining the activities of the Grievance Committee to the Executive Board and General Membership Meetings. They shall also perform such other duties as may be entrusted to them.

Sec. 6 Trustees

The Trustees shall audit the books of the Secretary-Treasurer and shall exercise general supervision over the property of the Union.

They shall audit the books of the Union on June 30 and report their findings to the Executive Board and also at the General Membership meeting.

They shall see that all funds are properly deposited to the credit of the Union and that all bills authorized by the Union are promptly paid.

Trustees shall also perform such other duties as assigned by the Executive Board.

Audit forms supplied by the National office shall be used for all audit reports, also a copy of such yearly audit shall be sent to the National Secretary-Treasurer in accordance with the provisions of the CUPE National Constitution.

Sec. 7 Executive At Large

The Executive Board members shall attend all meetings and assist in keeping order and generally represent the interests of members at meetings and otherwise.

Special tasks may be assigned by the President as necessary.

Sec. 8 At the end of the term of office or prolonged absence due to vacation, resignation, disciplinary measures or sick leave, all Executive Board Members and Trustees shall turn over to their successor/replacement, all properties and assets, including funds, books and records belonging to the Union.

Sec. 9 The appointed Sergeant at Arms shall secure the door at the direction of the presiding officer.

Sec. 10 Two (2) scrutineers shall be responsible for collecting ballots at any time elections are held. Any objections to the choice of scrutineers may be made by members in attendance at the General Membership meeting.

**ARTICLE VII - FUNDS**

Sec. 1 The Funds of the Union shall be kept on deposit in such financial institutions as the Union will from time to time by resolution delegate.

A separate Defence Fund account shall be maintained in said financial institutions.

All bills and accounts for the general purposes of the Union shall be paid by cheque, signed by any combination of two (2) of the four (4) authorized signing Executive Board Members.

Sec. 2 The Executive Board may from time to time by motion authorize the transfer of funds, whereupon it shall be the duty of two (2) of the four (4) signing officers to arrange to transfer such amount as directed.

Sec. 3 The Union may, from time to time, at any regular constituted meeting of the General Membership, adjust an amount paid to members for union activities.

#### **ARTICLE VIII - ADDITIONAL BYLAWS AND AMENDING THE CONSTITUTION**

Sec. 1 These bylaws are always subordinate to the CUPE National Constitution as it now exists or may be amended from time to time, and in the event of a conflict between these bylaws and the CUPE National Constitution, the latter shall govern, Constitutional interpretation, including determination of conflict, is the prerogative of the National President.

Sec. 2 These bylaws shall not be amended, added to, or suspended except upon a majority vote of those present at a General Membership meeting or a Special Membership meeting called for that purpose, make such additional bylaws as it may deem advisable, provided that at least (7) days notice at a previous meeting or at least (60) days written notice has been given and further provided that such bylaws do not conflict with the constitution.

Sec. 3 No change in these bylaws shall be valid or take effect until approved by the National President of CUPE. The validity shall be the date from the letter of approval of the National President.

#### **ARTICLE IX - AGREEMENTS**

Sec.1 Members must at all times abide by and adhere to the terms of any contract or agreement signed by the Union on behalf of it's Members, and all agreements must be approved at a regularly constituted General Membership meeting or Special General Membership meeting prior to being signed by the Executive Board Members.

## **ARTICLE X - MEETINGS**

Sec. 1 The General Membership meetings of the Union shall be held on the first Tuesday of each month, with the exception of July and August, at such place and time as designated by the Executive Board.

Sec. 2 Special General Membership meetings of the Union may be ordered by the Executive Board or requested in writing by twenty (20) Members in "good standing".

The President shall immediately call a meeting when so ordered or requested and shall see that reasonable effort is made to notify members at least twenty-four (24) hours prior to such meeting.

Notice shall include the subject(s) to be discussed. Only such business shall be transacted at Special General Membership meetings that would not normally occur at a General Membership meeting.

Sec. 3 The Executive Board shall meet once every month, except when cancelled by a majority vote of the Board. The Executive Board shall meet at least eight (8) times in a calendar year and shall not go sixty (60) days without a meeting.

Sec. 4 Special meetings of the Executive Board may be called by any of the Table Officers when considered necessary.

Sec. 5 A quorum for the transaction of business at the General Membership or Special General Membership meeting shall be designated as nine (9) members of which the President or their designate must be represented and at least three (3) other Executive Board Members.

Five (5) Members shall constitute a quorum for a meeting of the Executive Board.

In the absence of a quorum at any regular General Membership meeting, the Executive Board shall be empowered to process pressing matters and administrative business including regular payments for which the Local is liable.

## **ARTICLE XI - GENERAL**

Sec. 1 All members shall adhere to the Local's Harassment Policy, all allegations shall be investigated and acted upon in accordance with the provisions of the CUPE National Constitution.

Sec. 2 Charges against members or Executive Board Members with the exception of Article V, Sec. 4 of this Constitution, must be made in writing and copied to the Executive Board.

These written charges will be dealt with in accordance with the provisions of the CUPE National Constitution.

Sec. 3 All business transacted at the meetings of the Union shall be treated as strictly confidential to non-members.

## **ARTICLE XII - RULES OF PROCEDURE**

Sec.1 The President or in their absence, the Vice-President shall take the chair at the time specified for General Membership meetings and Special General Membership meetings.

Sec. 2 The Presiding Officer shall state every question coming before the Union before allowing debate thereon, and immediately before putting it to a vote shall ask, "Is the meeting ready for the question?"

Should no Member rise to speak and the silence indicates their readiness, the Presiding Officer shall put the question. After doing so, no Member shall be permitted to speak upon it.

Sec. 3 No motion shall be debated or open for discussion until the same has been seconded and put to the meeting by the presiding Officer.

Sec. 4 If in the opinion of the Presiding Officer, any Members of the Union disrupts the proceedings of the meeting, the presiding Officer shall call a vote of the Members present to determine the disciplinary action.

Sec. 5 When the decision of the chair is appealed, the Presiding Officer shall state their decision and the reasons thereof from the chair. The party appealing shall then state the reasons for the appeal, after which, without further debate, the question shall be put thus: "Shall the decision of the chair stand as the judgement of the Union."

It shall require a majority vote to sustain such appeal.

Sec. 6 On motion, the regular order of business may be suspended by a vote with a two-thirds (2/3) majority of those present, to dispose of anything urgent.

Sec. 7 Any Member having made a motion can withdraw it with consent of the seconder, but a motion once debated cannot be withdrawn, except by the majority vote of those present.

- Sec. 8 When two or more Members rise at the same time to speak; the Presiding Officer shall decide which one is entitled to the floor.
- Sec. 9 Every Member while speaking shall adhere to the question under debate and avoid all personal, sectarian indecorous, or offensive language as well as any reflection on the Union or any Member thereof.
- Sec. 10 If a Member while speaking, is called to order, they shall cease speaking until the point is determined, by the presiding Officer, when if decided to be in order, they may again proceed.
- Sec. 11 No Member shall speak more than ten (10) minutes at any one time or more than once on the same question (unless requested by another Member to assist in clarifying the issue), until all Members wishing to speak have had an opportunity to do so, then they may be allowed to speak a second time by permission of the chair.
- Sec. 12 The Presiding Officer shall take no part in debate while presiding, but may yield the chair to one of the Executive Board Members in order to speak on any question before the Union, or in order to introduce a new question.
- Sec. 13 The Presiding Officer shall have the same rights as other Members to vote on any question. In case of a tie they may also cast the deciding vote or if they choose, refrain from voting the extra vote, in which case the motion does not prevail and the decision is in the negative.
- Sec. 14 To put the previous question, no motion shall be in order except to adjourn; the previous question; to lay on the table; to refer; to divide or amend;
- To postpone for a definite time, which motions shall have precedence in the orders named.
- If any of the foregoing motions are negated, it cannot be renewed until after an intermediate proceeding. The first three (3) of these shall be decided without debate.
- Sec. 15 A motion to amend, or to amend an amendment, shall be in order, but a motion to amend an amendment to an amendment shall not be permitted. No amendment or an amendment to an amendment shall be in order, which is a direct negative to the resolution.
- The Presiding Officer shall then proceed to call for a vote on the amendment to the amendment first, secondly the amendment, and finally the main motion.

- Sec. 16 No member shall interrupt another member while speaking, unless to rise to a point of order.
- Sec. 17 Voting on all questions shall be by show of hands, except:
- (1) When a standing vote is "called for" by any Member;
  - (2) When a secret ballot vote is "called for" by any Member.
- Each "called for" act shall only be defeated by the majority show of hands voting on the question of: "Shall the vote be by standing vote/secret ballot".
- Sec. 18 A motion to adjourn is in order except:
- (1) When a member has the floor;
  - (2) When members are voting.
- Sec. 19 A motion to adjourn having been put and lost, shall not be in order again if there is further business before the Union, until fifteen minutes have elapsed.
- Sec. 20 No members shall be allowed to leave any meeting of the Union, without the permission from the presiding Officer.
- Any member who leaves without permission will lose their "good standing" classification with the Union.
- Sec. 21 All rules and other proceedings in debate not herein provided for shall be guided by "Bourinots Rules of Order".

### **ARTICLE XIII - VIOLATIONS, PENALTIES AND FINES**

- Sec.1 CUPE Local 7 may assess or fine any of its members who has worked for the employer during a strike or job action, a sum of not more than the net earnings that member earned during the strike or job action.

### **ARTICLE XIV - STANDING COMMITTEES**

Civic Federation Committee  
Constitution Committee  
Education Committee  
Employment Equity Committee  
Finance/Budget Committee



Good and Welfare Committee  
Grievance Committee  
Labour/Management Committee  
Municipal Steering Committee  
Negotiations Committee  
Occupational Health and Safety Committee  
Pension Committee  
Reclassifications Committee  
Social Committee

**ARTICLE XV - HONORARIA**

Sec. 1        Duties of the Executive Board require their attendance at meetings which are held outside of regular work hours. For this time spent, as well as other assigned duties, each Executive Board member shall be entitled to a monthly honorarium as follows:

Table Officer	\$400 per month
Shop Steward	\$200 per month
Executive-At-Large	\$100 per month

## **ORDER OF BUSINESS**

1. Roll Call of Officers
2. Read Equality Statement
3. Appoint - Sergeant of Arms (during election meetings)
4. Reading of Minutes
5. Reports - Committees or Delegates
6. Secretary-Treasurer's Report
7. Correspondence
8. Unfinished Business
9. Nominations/Elections
10. New Business
11. Good and Welfare
12. Adjournment

## **OBLIGATION OF EXECUTIVE MEMBERS OF CUPE LOCAL 7**

"I, (Executive Member's name), do most sincerely promise, that I will truly and faithfully, to the best of my ability, perform the duties of my office, for the ensuring term, as prescribed in the constitution and laws of CUPE, and as an officer of this Union, will at all times endeavour, both by counsel and example, to promote the harmony and preserve the dignity of its sessions.

I further promise, that at the close of my official term, I will promptly deliver all monies, books, papers, or other property of this Union in my possession to my duly elected successor in office."

## **OBLIGATION OF MEMBERS OF CUPE LOCAL 7**

"I solemnly promise and declare that I will support and obey the Constitution and this Union and that I will, if within my power to do so, assist my fellow members, or their families, when they are in distress and that will not purposely or knowingly wrong a member of the Union or assist others in wronging them."