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# Bylaws

## Local Union 338

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Approved by National: December 4, 2023

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## INTRODUCTION

Local 338 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 338 in accordance with the CUPE National Constitution, 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.

The Local Union Code of Conduct can be found in Appendix B to these bylaws.

## SECTION 1 – NAME

The name of this Local Union shall be Canadian Union of Public Employees, Local 338.

Local 338 consists of the following bargaining units:

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**Black Mountain Irrigation District**

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**City of Kelowna**

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**City of Kelowna – Airport**

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**Commissionaires**

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**District of Lake Country**

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**Glenmore Ellison Improvement District**

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**Kelowna Museum**

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**Regional District of Central Okanagan**

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## SECTION 2 – OBJECTIVES

The objectives of Local 338 are to:

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

## SECTION 3 – 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 4 – MEMBERSHIP

### (a) **Membership**

An individual employed within the jurisdiction of Local 338 can apply for membership in Local 338 by signing an application and paying the initiation fee set out in Section 15(a) of these bylaws.

(Article B.8.1)

(b) **Oath of Membership**

New members will take this oath:

“I promise to support and comply with 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)

(c) **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)

(d) **Member Obligations**

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

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

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

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

## **SECTION 5 – AFFILIATIONS**

In order to strengthen the labour movement and work toward common goals and objectives, Local 338 shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE BC Provincial Division
- The Okanagan Mainline District Council
- The BC Federation of Labour
- The North Okanagan Labour Council

## **SECTION 6 – MEMBERSHIP MEETINGS**

### **(a) Regular Membership Meetings**

Regular membership meetings of Local 338 shall be held on the third Tuesday of each month at 5 pm. Notice of each regular membership meeting outlining the date, time and location shall be given to members at least seven days in advance of the meeting.

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**

Special membership meetings of Local 338 may be required, and shall be called by the Executive Board or may be requested in writing by no fewer than 18 members. The President shall immediately advise members when a special meeting is called, and ensure that all members receive at least twenty-four (24) hours' notice of the special meeting, the subject(s) to be discussed, the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

### **(c) Quorum**

The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be eighteen (18) members, including at least three (3) members of the Executive Board.

(d) **Membership Meeting Agenda**

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

1. Acknowledgement of Indigenous territory
2. Roll call of officers
3. Reading of the Equality Statement
4. Voting on new members and initiation
5. Reading and approval of the minutes of previous meeting
6. Matters arising from the minutes
7. Secretary-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)

(e) **Bargaining Unit Meetings**

Bargaining Unit meetings may be called by the Executive Board or may be requested in writing by no fewer than seven (7) members. The President shall immediately advise members when a special meeting is called to deal with matters that affect only members of the bargaining unit. Such meetings are not to be used to replace regular membership meetings and will not make decisions that affect the Local Union as a whole or another bargaining unit. The President shall advise members of the bargaining unit seven (7) days in advance of a Bargaining Unit meeting providing the time and location and an agenda.

The minimum number of members required to be in attendance for the transaction of business at any bargaining unit meeting shall be seven (7) bargaining unit members including at least two (2) members of the Executive Board. Members from other bargaining units in the Local Union may attend these meetings without vote but with voice and are not counted as part of quorum.

(f) **Ratification Meetings**

All ratification votes on a proposed collective agreement shall be held at a special membership meeting of the affected bargaining unit as required, with a minimum of ten (10) days notice to the affected bargaining units' membership. As an exception to this, should a ratification vote be required on a proposed collective agreement during job action the vote will be held at a special meeting of the affected bargaining unit on forty-eight (48) hours notice.

(g) **Allow for Virtual Meetings**

Local 338 may hold meetings in person, virtually or a hybrid of both formats. Where virtual or hybrid meetings are held, voting may be conducted electronically provided secrecy, where mandated, and security can be maintained.

## **SECTION 7 – OFFICERS**

The Officers of Local 338 shall be the President, First (1st) Vice-Presidents, Second (2<sup>nd</sup>) Vice-Presidents (where applicable under Section 8 of these bylaws), Lead Shop Steward Secretary-Treasurer, Recording Secretary, Young Worker Representative, Membership Officer, and three (3) Trustees.

## **SECTION 8 - UNITS**

Each Unit may elect a Vice President to represent their members in a Bargaining Unit meeting. Units with more than one hundred fifty (150) members will be permitted a Second (2<sup>nd</sup>) Vice-President.

## **SECTION 9 - PRESIDENTIAL LEAVE OF ABSENCE**

The office of President may be filled on a part-time or full-time basis in accordance with the following provisions.

1. Part-time: Where the office of President is filled on a part-time basis, remuneration shall be based on the classified rate of pay of the position held immediately prior to assuming office, plus an honorarium equal to that paid to the Lead Shop Steward.
2. Full-time: Where the office of President is filled on a full-time basis, remuneration shall initially be based on step 5 of the third highest pay grade contained in the City of Kelowna Collective Agreement, and progress annually up to step 5 of the highest pay grade. The President's salary and benefits during a leave of absence shall be based on a forty-hour work week.

3. The office of President shall only be filled on a full-time basis where this is in the best interest of the local as determined by the executive and approved by the membership. Such determination and approval shall be reviewed bi-annually relative to the term of office, and related leaves of absence.
4. Under no circumstances shall the President's remuneration (including benefits) be less than what they would otherwise be receiving. Expenses incurred by the President in carrying out the duties of the office as authorized by the executive board or membership shall be reimbursed or paid by the Local in accordance with these bylaws.

## **SECTION 10 – WORKSAFE BC COVERAGE**

The Local shall provide WorkSafe BC coverage for the President and any other person as determined by the Executive.

## **SECTION 11 – EXECUTIVE BOARD**

- (a) The Executive Board shall include all Officers, except Trustees.  
(Article B.2.2)
- (b) The Executive Board shall meet at least eight (8) times per year.  
(Article B.3.14)
- (c) A majority of the Executive Board constitutes a quorum.
- (d) The Executive Board shall hold title to any real estate of the Local Union as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate without first giving notice of motion in accordance with Section 27 of these bylaws submitting the proposal and passing the motion in a membership meeting.
- (e) The Executive Board shall do the work delegated to it by the Local Union and shall be held responsible for the proper and effective functioning of all committees.
- (f) Should any Executive Board member fail to answer the roll call for three (3) consecutive regular meetings or three (3) consecutive regular Executive Board meetings without having submitted good reasons, their office shall be declared vacant. The vacancy shall be confirmed by the membership at the next meeting and be filled by an election at the following membership meeting. The validity of the good and sufficient reason shall be voted on by the Executive Board.

(Article B.2.5)

## SECTION 12 – DUTIES OF OFFICERS

Each Officer of Local 338 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise. All Officers of Local 338 shall act as a Shop Steward when required by the Local.

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 338 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) **President**

The President shall:

- Enforce the CUPE National Constitution, these Local Union 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.
- Ensure that all Officers perform their assigned duties.
- Oversee the day-to-day operations of the local.
- Delegate emergent duties to members of the Executive Board as needed.
- Fill committee vacancies where elections are not provided for.
- Introduce new members and conduct them through the initiation ceremony.
- 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.
- Be allowed necessary and reasonable funds to reimburse the President or any Officers for expenses incurred on behalf of the Local Union. Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached.
- Have first preference as a delegate to all conventions sponsored by any union recognized body.

(Article B.3.1)

**(b) Vice-Presidents**

The Vice-Presidents 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 the President falls vacant, the Executive will select one Vice President to be Acting President until a new President is elected through a by-election, as per Section 14(d).
- Render assistance to any member of the Executive as directed by the Executive Board. (Article B.3.2)
- Be the chief spokesperson for the unit they represent.
- Preside at all meetings of the unit and report the outcome of same to the Executive board of the Local.
- Preside over membership and Executive Board meetings in the absence of the President.
- Be responsible for submitting a written report if they are unable to attend the monthly Executive Meeting.
- Be a member of the unit's Negotiation and Labour Management Committees.
- Ensure there is representation for their unit on all CUPE 338 committees.

**(c) Recording Secretary**

The Recording Secretary shall:

- Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full 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 through the National representative for approval prior to implementing.
- Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- Keep a record of all correspondence received and sent out.
- Prepare and distribute all notices to members.
- Have all records ready on reasonable notice for the Trustees or auditors.

- Preside over membership and Executive Board meetings in the absence of both the President and Vice-President.
- Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local Union's funds.
- Performs other duties required by the Local Union, its bylaws or the National Constitution.

(Article B.3.3)

**(d) Secretary-Treasurer**

The Secretary-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.
- Ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including \$1.00 of each initiation fee on all members admitted, no later than the last day of the following month.
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.
- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
- Make a full financial report to meetings of the Local Union's Executive Board.
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- Be bonded through the master bond held by CUPE National. Any 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 two (2) members of the Executive Board as determined by the Executive Board and include adequate & sufficient documentation. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated.

- Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- Where required, not later than February 28<sup>th</sup> each year, furnish each member, on the forms supplied by CUPE National, with a statement showing the net amount of tax-deductible dues paid by him during the preceding calendar year.
- Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds.

(Articles B.3.4 to B.3.8)

**(e) Lead Shop Steward**

The Lead Shop Steward shall:

- Be the Chairperson and official spokesperson of the Grievance Committee.
- Conduct all investigations of grievances after Step 1 of the grievance procedure.
- Arrange any and all meetings held at Step 2 of the grievance procedure.
- Maintain the grievance files and report the status of all grievances to the Executive Board at the regular monthly meeting and to the membership at the regular monthly membership meeting.
- Render assistance to the Shop Stewards as required.
- Assist the National Representative and/or Legal Counsel in the preparation of all arbitration cases.
- On termination of office, surrender all books and other properties of the Local to his/her successor.

**(f) Young Worker Representative**

The Young Worker Representative shall:

- Engage young worker members of the local in union related activities and education.
- Organize and chair the Young Workers Committee
- Be responsible for electronic forms of communications to members (Website, Facebook, Twitter, etc.).
- Perform other such duties as may be assigned by the Executive board from time to time.

**(g) Membership Officer**

The Membership Officer shall:

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

**SECTION 13 – OTHER ELECTED POSITIONS**

**(a) Shop Stewards**

All Shop Stewards shall be elected by the membership of their own Department or Unit every two (2) years. Should any Shop Steward position become vacant, the Lead Shop Steward shall have the power to appoint a Shop Steward to fill the vacant position temporarily until an election can be held. Should a Shop Steward position not be filled at an election, the Lead Shop Steward shall have the power to appoint a Shop Steward subject to ratification by the Executive Board.

The Duties of the Shop Steward are as follows:

- Generally know and police the Collective Agreement and report any violations of same to the Lead Shop Steward.
- Investigate and process all grievances at Step 1 of the grievance procedure.
- Provide communications and information from the members in the Local to the Board and from the Board to the members, including distribution of Union literature and newspapers.
- Attend monthly regular membership meetings and Shop Stewards meetings and any other meetings as required. Should any Shop Steward fail to answer the roll call for three consecutive regular meetings, or three consecutive Shop Steward Meetings without having submitted good reasons, they may be removed from their position as Shop Steward.
- Greet new employees and encourage participation of all members of the Local in Union activity.
- Maintain daily contact with the members to provide ongoing awareness and education.

**(b) Trustees**

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 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 have not been paid out without proper constitutional or membership authorization.
- Ensure that proper financial reports have been given to the membership.
- Audit the record of attendance.
- Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local Union, and report their findings to the membership.
- Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
  - i. Completed Trustee Audit Program
  - ii. Completed Trustees' Report
  - iii. Secretary-Treasurer Report to the Trustees
  - iv. Recommendations made to the President and Secretary-Treasurer of the Local Union
  - v. Secretary-Treasurer's response to recommendations
  - vi. Concerns that have not been addressed by the Local Union Executive Board.

(Articles B.3.10 to B.3.12)

**(c) Social Convener**

The Social Convener shall:

- Make arrangements for members who are ill to receive a gift from the local up to a maximum value of \$25.

- Make arrangements for members who have suffered the loss of an immediate family member (as per the current CA) to receive a gift or a donation to a recipient of their choosing up to a maximum value of \$40.

**(d) Lead Returning Officer**

The Lead Returning Officer shall:

- Make the necessary arrangements for an election including but not limited to:
  - Preparation of ballots;
  - Issuing, collection and counting of ballots;
  - Worksite Voting;
  - Voting at General Meeting;
  - Ensure proper election protocols are followed.

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

**(a) Nominations**

1. Nominations will be received at the regular membership meetings held in the months of September and October. Nominations will be closed at the end of the October meeting.
2. Nominations will be accepted from members in attendance at the nomination meetings or from those members who have allowed their name to be filed in writing at the meetings, 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.
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 and/or assessments.
6. Members who are unable to attend the general membership meetings on nomination days, must accept their nomination in writing to the President at least 24 hours before election day.

(b) **Elections**

1. The President, First (1<sup>st</sup>) Vice-Presidents are elected in even numbered years.  
The Second (2<sup>nd</sup>) Vice-Presidents, Secretary-Treasurer, Membership Officer, Lead Shop Steward and Young Worker Representative are elected in odd numbered years.
  2. At a membership meeting, at least one month prior to Election Day (in September), the President will, subject to the approval of the members present, appoint an Elections Committee consisting of a Lead Returning Officer and assistant(s). The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential. The National Representative assigned to the Local Union shall serve as an advisor to the committee when requested by the Local Union.
  3. The Elections Committee will determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Lead Returning Officer.
  4. The Lead Returning Officer will be responsible for issuing, collecting, and counting ballots. The Lead Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
  5. The voting will take place at the regular membership meeting in November. The vote will be by secret ballot.
  6. Voting to fill one office will be conducted and completed, and recounts dealt with before balloting may begin to fill another office.
  7. A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will be taken if necessary to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot will be dropped.
  8. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
  9. When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
- (Article 11.4)
10. Any member may request a recount of the votes for any election and a recount will be conducted if the request is supported, in a vote, by at least the

number of members equal to the quorum for a membership meeting as set out in Section 6(c).

11. All election complaints by members will be submitted in writing to the Lead Returning Officer as soon as possible but in no circumstances will a complaint be valid if it is filed later than seven days after the election. The Lead Returning Officer in conjunction with the Elections Committee will investigate the complaint and issue a ruling as soon as practical and report the ruling to the very next regular membership meeting.

(c) **Bargaining Unit Elections**

Nominations and elections for bargaining unit positions will take place as outlined in Section 6(e). Voting will be by bargaining unit members in a Bargaining Unit Meeting.

(d) **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 (2) 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 three years.

(Article B.2.4)

2. The terms of office for Trustees shall be so that one serves for a period of three years, one for two years, and one for one year, as laid down in Article B.2.4 of the CUPE National Constitution. Each year thereafter, the Local Union shall elect one Trustee for a three (3) 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 11.7(b))

(e) **By-elections**

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 15 – FEES, DUES AND ASSESSMENTS**

### **(a) Initiation Fee**

Payment of initiation fees 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 a one-time initiation fee of \$5.00 which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt.

(Article B.4.1)

### **(b) Readmission Fee**

The readmission fee shall be ~~\$2.00~~ **\$5.00**.

(Article B.4.1)

### **(c) Monthly Dues**

The monthly dues shall be 2% of regular wages. Notwithstanding the above provisions, if the CUPE Constitution raises minimum fees and/or dues above the level herein established, these bylaws will be deemed to have been automatically amended to conform to the new CUPE minima. Such dues shall not apply to overtime or standby.

(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 16 – NON-PAYMENT OF DUES AND ASSESSMENTS**

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

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

(Article B.8.6)

## **SECTION 17 – 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.
- Funds cannot be divided among individual members.
- A petty cash fund may be set up, if approved by a majority vote at a regular membership meeting. The petty cash fund may be used to pay small expenses. All other expenses must be paid by cheque or recognized electronic payments approved by the Secretary-Treasurer and the President or another signing officer.

(Article B.4.4)

### **(b) Payment of Per Capita Tax and Affiliation Fees**

Authorization to pay per capita tax to CUPE National, to CUPE BC Provincial Division, 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 cause(s) outside of CUPE greater than five hundred dollars (\$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 (7) days after the meeting where notice of motion has been given.

- (d) No Officer or member of Local 338 will be allowed to spend any Local Union funds without first having received authorization under Section 17(a) of these bylaws.

## **SECTION 18 – HONORARIUMS**

Local Union Officers and committee members shall be provided a monthly honorarium as follows:

<b>President (Part-time)</b>	<b>\$240</b>
<b>Vice-Presidents</b>	<b>\$200</b>
<b>Recording Secretary</b>	<b>\$225</b>
<b>Secretary Treasurer</b>	<b>\$225</b>
<b>Chief Shop Steward</b>	<b>\$240</b>
<b>Young Worker Representative</b>	<b>\$175</b>
<b>Membership Officer</b>	<b>\$125</b>
<b>Social Convener</b>	<b>\$125</b>
<b>Shop Stewards</b>	<b>\$60</b>
<b>Trustees (annual honorarium upon completion of audit and report to the local)</b>	<b>\$100 (annual)</b>

## **SECTION 19 – 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 338 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 338 may 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 338 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 20 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATION**

- (a) Except for the President's option [Section 12(a)], all delegates to conventions, conferences, and education shall be recommended by the Executive Board and reported to the Membership.
- (b) Delegates to the Okanagan Mainline District CUPE Council shall be elected annually. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall make a written report at each Local Union membership meeting on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages.
- (c) Delegates to the North Okanagan CLC District Labour Council shall be elected annually. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall report at each Local Union membership on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages.
- (d) All delegates attending conventions, conferences, or education held outside the City of Kelowna shall be paid transportation expenses (at economy, tourist or coach rates) as determined by the Secretary-Treasurer, and a per diem allowance for meals and expenses in accordance with CUPE BC Expense Policy attached as Appendix D. The Local Union will reimburse the member's employer for any loss of wages.
- (e) Delegates to conventions, conferences, and education held locally shall have no travel allowance. There shall be a per diem allowance for meals and expenses incurred by attendance at the convention, conference or educational in accordance with CUPE BC Expense Policy attached as Appendix D. The Local Union will reimburse the member's employer for any loss of wages.
- (f) Local 338 will provide members with their per diem allowance prior to their attending the convention, conference, or education.
- (g) Local 338 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and education.

## SECTION 21 – EXECUTIVE THINK TANK

Once each calendar year, the Executive shall hold a think tank to serve as a strategic planning session for the coming year. The primary purpose of the Think Tank will be to identify the Committees which will be required for the coming year. For established committees, a review of the committee purpose and objectives will be completed and an Executive Sponsor selected from the Executive to manage the committee. Any new committees identified must have their purpose and objectives defined and will be presented to the membership for approval. The budget for this shall be passed by the membership during the adoption of the annual budget.

## SECTION 22 – COMMITTEES

### (a) 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 be appointed by the Executive Board. Three members of the Board may sit on any special committee as ex-officio members.

#### 1. Negotiating Committee

Negotiating Committees may be established up to twelve (12) months prior to the expiry of a unit's collective agreement and will be 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. Committees shall consist of up to five (5) members. The President and the Vice President(s) of the applicable unit shall be on the committee. The other members as well as up to two (2) alternates shall be elected by the members of the applicable unit at a Unit meeting. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages of the collective bargaining process.

All members of Local 338 negotiating committees may attend CUPE collective bargaining education.

### (b) Permanent Committees

There shall be a Chairperson of each permanent committee. An Executive Officer shall be appointed by the Executive Board as chair or as a member of each committee. Permanent committee positions will have a term of two (2) years. The Chairperson and the Executive Board shall jointly appoint other members to serve on a committee. Committees will provide written reports to regular membership meetings as required or requested by the Executive Board.

There shall be fifteen (15) permanent committees as follows:

1. Grievance Committee

This committee will:

- Oversee the handling of all local grievances.
- Receive copies of all grievances.
- Prepare a report on the status of all grievances to be submitted to the Executive Board, the 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 per Section 28 of these bylaws.

The committee members will be chaired by the Lead Shop Steward and have the remaining shop stewards as members. 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.

2. Education Committee

This committee will:

- Gather information about appropriate courses, the availability of courses, and make recommendations to the Local Union on whether or not members should be attending.
- Assist delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports.
- Cooperate with the National Union Development Department and Communications Branch of CUPE, and with the regional Education Representative, in implementing both the Local Union's and CUPE's policies in these fields.

An Executive Officer will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

3. Women's Committee

This committee will:

- Advise and give guidance to Officers, committee members and the general membership on all issues that affect women in the workplace and the union movement.
- Promote leadership of women at the Local Union level and in the broader labour movement.
- Increase and support the active participation of women in the Local Union and the broader labour movement.
- Strive to eliminate gender discrimination in the workplace, Local Union, broader labour movement, and society through education and participation in human rights activities both in and outside of the labour movement.

An Executive Officer will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

#### 4. Committee Against Racism and Discrimination (CARD)

This committee will:

- Advise and give guidance to Officers, committee members, and the general membership on all issues that affect all equity-seeking groups, including people of colour, Aboriginals, lesbian, gay, bi-sexual and transgendered workers in the workplace and the union movement.
- Promote leadership of equity-seeking workers at the Local Union level and in the broader labour movement.
- Increase and support the active participation of equity-seeking workers in the Local Union and the broader labour movement.
- Strive to eliminate racism and discrimination in the workplace, Local Union, broader labour movement, and society through education and participation in human rights and anti-racism activities both in and outside of the labour movement.

An Executive Officer will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

#### 5. 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 28<sup>th</sup> 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).

An Executive Officer will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

#### 6. Bylaw Committee

This committee will:

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

An Executive Officer will be appointed by the Executive Board. 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 during the review process.

#### 7. Membership Support Committee

This committee will:

- Visit members who are ill.

- If a member is ill for more than a week, arrange some token of the Local Union's concern and desire to help, whether the member is at home or in hospital.
- Extend the Local Union's condolences in the event of the death of a member or one of their immediate family, and make other appropriate gestures in accordance with custom or the wishes of the family concerned.

An Executive Officer will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

8. 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.

An Executive Officer will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

9. Return to Work Committee

This committee will:

- Assist members during the period of time while they are off work due to short-term disability, long term disability or WorkSafe BC related claims.
- Meet with employer representatives to determine placement of employees if they cannot return to their previous position due to length of time off or limitations or restrictions on their abilities.
- Report regularly to the Executive of any meetings with the employer that take place

An Executive Officer will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

10. Municipal/Anti-Contracting Out Committee

This committee will:

- Promote awareness of municipal issues within the local.
- Strive to protect the Public Sector, Municipal Employees and their jobs.
- Work with CUPE BC to ensure that the local is aware of Federal and Provincial legislation affecting municipalities.
- Educate our members and the general public.

An Executive Officer will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

11. Communicating CUPE Committee

This committee will:

- Be responsible for all of the CUPE bulletin boards in workplaces.
- Maintain communication with members.
- Be responsible for social media of the local (Instagram, Facebook & website)

The Young Worker Representative will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

12. Community Action Tent Committee

This committee will:

- Attend community events to raise awareness of the local in the community.
- Plan events to promote the local's involvement in the community.
- Organize Labour Day activities and events in the community in collaboration with other locals and labour councils.

An Executive Officer will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

13. Political Action Committee

This committee will:

- Organize and coordinate initiatives that ensure representation of CUPE's political views in elected bodies affecting the local.
- Keep members informed about basic political choices in our society and to participate in the political process.

An Executive Officer will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

#### 14. Job Evaluation and Reclassification Committee

This committee will:

- Ensure job descriptions for each job classification in the collective agreement for each unit are available at the CUPE office.
- Ensure a process is in place to incorporate new and revised Job Descriptions for each unit in the master list at the CUPE office.
- Research the duties, responsibilities and pay range for the like-positions in similar Municipalities.
- Respond to Reclassification requests submitted to the local by the member(s) by researching the request and, where appropriate, preparing a Reclassification request letter for the Executive to forward to management.
- Monitor status of Reclassification requests and recommend a Step 2 Arbitration be initiated to the Executive when a reclassification request is unresolved within the time period outlined within the collective agreement.
- Monitor status of vacant positions and recommend a Step 1 Failure to Post grievance be initiated to the Executive when a CUPE position is vacant beyond the time period outlined within the collective agreement or the duties of the position are being performed by exempt personnel.
- Monitor the Financial Plan for the unit with the goal of identifying and investigating any of the following:
  - Intentions of the employer to contract-out existing CUPE work.
  - Intentions of the employer to contract-out work which may be performed by new or existing CUPE positions.
  - Intentions of the employer to reduce CUPE positions.
  - Intentions of the employer to introduce new CUPE positions.
  - Intentions of the employer to introduce new exempt positions.

An Executive Officer will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

15. Young Workers Committee

This committee will:

- Engage young worker members of the local in union related activities and education.
- Be responsible for electronic forms of communications to members (Facebook, Twitter, etc.).

The Young Worker Representative will be appointed by the Executive Board. The committee shall appoint its secretary from among its members.

## SECTION 23 – 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 – Appendix F)

## SECTION 24 – RULES OF ORDER

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

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

## SECTION 25 – 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. The National President has the sole authority to interpret the CUPE Constitution.

(Articles 9.2(c), 13.3 and 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 (7) days before at a previous membership meeting or sixty (60) days before in writing.
- (iv) Once a bylaw amendment has been considered and defeated, it cannot be brought forward for reconsideration for a six (6) month time period following the meeting at which the vote took place.

(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)

## **SECTION 26 – PRINTING AND DISTRIBUTION OF BYLAWS**

Members will receive a copy of Local 338 bylaws, either in paper format or via the Local Union website at [www.cupe338.ca](http://www.cupe338.ca). Members requesting a copy of these bylaws will be provided a copy. Members with special needs may request a copy of the bylaws in larger font.

## **SECTION 27 – NOTICE OF MOTION**

A Notice of Motion must be provided for motions involving the additions to, or amendments of the local bylaws, the sale, conveyance, or encumbrance of any real estate owned by the Local Union and for financial disbursements in excess of five hundred dollars (\$500) *that is not authorized through a membership approved budget.*

The procedure for a Notice of Motion shall be as follows:

1. A member who intends to move a motion that requires a Notice of Motion will notify the Secretary of such motion with the exact wording of the motion. Those motions involving a request for funds must include the exact amount of funds being requested or a maximum amount that is not to be exceeded.
2. The Secretary will then ensure the motion with its exact wording is placed on the Notice of Meeting for the next general membership meeting as a Notice of Motion.
3. The Secretary will also ensure that the motion, with its exact wording is then placed on the agenda for that meeting as a Notice of Motion.
4. The President will ensure that the Notice of Motion with its exact wording is read at the meeting by the mover or other member. No member may speak to the motion or debate the motion at this time; it is simply intended to ensure members are officially notified.
5. The Secretary will then ensure that the motion along with its exact wording is placed on the Notice of Meeting for the next general membership meeting, including a notation of when the Notice of Motion was provided.
6. The Secretary will also ensure that the motion, with its exact wording is placed on the agenda for that meeting including a notation of when the Notice of Motion was provided
7. The President will at that next general membership meeting accept the moving of this motion from the mover or other member. If it is then so moved and seconded the motion will be debated and decided on by the membership at the meeting, by means of all appropriate rules of order.

## **SECTION 28 – GRIEVANCE / ARBITRATION APPEALS**

The decision to file a grievance and to proceed to any step of the grievance procedure including arbitration rests exclusively with the Local Union and not an individual member. To ensure that decisions are fair and not arbitrary, the following appeal process is available to members.

If a member feels they have an issue that warrants a grievance and or arbitration, they must first discuss the issue with their assigned Steward. The Steward will then consult with the Lead Shop Steward and advise the member on the merits of taking the matter forward. If the decision is to not take the matter forward the following appeal process may occur.

### **First Appeal**

1. A member who wishes to appeal a decision not to proceed with a grievance or arbitration will notify the Lead Shop Steward within seven (7) days of receiving this decision from their Steward.

2. The Lead Shop Steward will add the matter to the agenda of the next Grievance Committee meeting.
3. The Lead Shop Steward will take any and all necessary steps with employer to ensure the matter is not lost due to any timelines outlined in the grievance procedure of the collective agreement.
4. The Grievance Committee shall request the opinion of the National Representative.
5. At that meeting the assigned Steward will present their reasons for not advancing the matter to grievance or arbitration.
6. The Member will then be asked to present their case along with their reasons for why they feel the matter should be advanced, and any other information they feel is relevant.
7. The member will then be excused from the meeting.
8. The Grievance committee will then conduct a secret ballot vote to decide on whether to advance the matter or not.
9. The member will be notified of the decision by the Lead Shop Steward and their right to advance the matter for a final appeal.

#### Final Appeal

1. Should a member wish they may advance the matter to a final appeal before the Executive Board.
2. To do so they must notify the Lead Shop Steward within seven (7) days of receiving the decision on the first appeal.
3. The Lead Shop Steward will then have the matter placed on the agenda of the next Executive Board meeting
4. The Lead Shop Steward will take any and all necessary steps with employer to ensure the matter is not lost due to any timelines outlined in the grievance procedure of the collective agreement.
5. Prior to the meeting The Executive Board shall request the opinion of the National Representative
6. At that meeting the Lead Shop Steward will present the Grievance Committee's reasons for not advancing the matter to grievance, or arbitration.
7. The Member will then be asked to present their case along with their reasons for why they feel the matter should be advanced, and any other information they feel is relevant.
8. The Member will then be excused from the meeting.
9. The Executive Board will then conduct a secret ballot vote to decide on whether to advance the matter or not.
10. The member will be notified of the decision by the President.

11. The decision of the Executive is final and unless new and cogent evidence arises there will be no further appeal.

## 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

The mandate of our union, the Canadian Union of Public Employees (CUPE), is to organize and defend workers and to promote economic and social justice for our members and for all workers. In carrying out our work, we in CUPE strive to promote our 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.

CUPE is committed at all levels to creating a union which is inclusive, welcoming, and free from harassment, discrimination, and all types of bullying and intimidation. CUPE needs to ensure that we provide a safe environment for members, staff, and elected officers to carry out our work. CUPE's expectation is that mutual respect, understanding, and co-operation will be the basis of all our interaction.

This Code of Conduct sets out standards of behaviour for participants at national convention, conferences, schools, meetings, and any other union events organized by CUPE National, Local 338, or any other CUPE chartered body. It is consistent with the expectations outlined in the Equality Statement and the CUPE National Constitution.

This Code of Conduct is intended to deal with complaints of inappropriate behaviour at events organized by CUPE National and at events, meetings, and activities by other CUPE bodies. 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 CUPE members, staff, and elected officers, 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.
- Take responsibility for not engaging in inappropriate behaviour due to use 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 the 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 them 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. A complaint shall be brought to the attention of an ombudsperson when there is one available. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
3. The ombudsperson or the person in charge will work to seek a resolution. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge. The person in charge has the authority to expel members from the event for serious or persistent offenses.
4. If the complaint involves a national staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another CUPE chartered organization, the complaint shall be referred to the person responsible for their employment.
5. If the person in charge is a party to the complaint, an alternate will be designated to assume the role.
6. In a case where a member has been expelled from a National event, the National President shall receive a report on the matter. For other events, the presiding officer shall receive a report on the matter.
7. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National. For other events, the presiding officer shall consult the National President.

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 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 under Appendix F of the CUPE National Constitution.



## Appendix C

### RULES OF ORDER

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

12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.
13. The Chairperson will keep a speakers list and in all cases will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.
14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.
15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.
16. Religious discussion of any kind is not permitted.
17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.
18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.
19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) put the previous question; 3) lay on the table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.
20. The Chairperson will ask "Will the main question be now put?" where a motion for the previous question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.
21. A motion to adjourn is in order except when a member is speaking or when members are voting.
22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.
23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.

24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.
25. At a membership meeting where a question has been decided any two members who voted with the majority can give notice of a motion to reconsider a decision of the membership at the next membership meeting. The motion to reconsider requires the support of a two-thirds majority of members who vote. If two-thirds majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.
26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.
27. The Local Union's business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.

# Appendix D

## CUPE BC EXPENSE POLICY

### 1. PREAMBLE

The purpose of this expense policy is to reimburse members for expenses incurred on behalf of CUPE BC. This policy shall be reviewed annually by the Trustees. Expense claim forms must be submitted within 6 months of when the expense(s) were incurred. The Secretary-Treasurer is authorized to approve expense claims past the 6 months for extraordinary circumstances.

### 2. WAGES

Lost wages for regularly scheduled hours of work shall be repaid at cost directly to the Local Union only. Wage loss will not be paid directly to individuals.

### 3. ACCOMMODATION

If accommodations are required, they must be booked through the CUPE BC office. Members are entitled to a single room, however if members choose to share a room, this should be clarified with the CUPE BC office when booking the room. Where possible all room, taxes and parking will be billed directly to CUPE BC.

### 4. DEPENDANT CARE

If required, dependant care will be paid outside of regular working hours at the rate of up to \$20.00/hour to a maximum of \$300.00/day (which includes travel time) upon completion of the CUPE BC Dependant Care Expense Claim form.

### 5. TRANSPORTATION

To be the most convenient and economical means with the maximum kilometres not to exceed airfare. Airfare where required (economy class) must be booked through WE Travel.

- a. Automobile allowance 58¢ km.
- b. Parking cost when on CUPE BC business (receipt must be provided).
- c. Taxi or airport shuttle from airport to hotel to meeting place upon submission of receipts. Taxis to be shared when possible.
- d. Where ferry travel is required, only land kilometres will be reimbursed (as well as ferry fares with submitted receipts). (Note: some distance calculators include the kilometres the ferry travels over the water, those kilometres should be deducted from claim.)

- e. If you are not claiming for parking (excluding hotel parking where you are staying), taxi or mileage the day of your meeting you can claim a one-day transit honorarium equivalent to the cost of an All-Day Transit pass if you are using the public transit system to attend the meeting.

**6. PER DIEM**

- a. \$43.00 per half day meeting (when no meals provided).
- b. \$86.00 per day for an all-day meeting (when no meals provided).
- c. \$43.00 for half-day of incoming travel to next day meeting or return travel day, next day after meeting.
- d. \$86.00 for full day travel to and from meetings.
- e. \$43.00 for evening meetings requiring meals (unless already receiving \$86.00 full day per diem).
- f. Where members are booked off for special projects (e.g. Zone coordinators, Campaign Workers, etc.), the full-time officers per diem policy will apply.

**7. INCIDENTALS**

- a. \$17.00 for in person meetings where all expenses (meals) are included.
- b. \$17.00 for video conferencing meetings scheduled for four (4) hours or more.

**8. FULL-TIME OFFICERS**

The CUPE BC Expense Policy will apply for full-time officers as follows: when conducting the duties of their office for meetings of the Admin Committee, Executive Board, BC Fed., etc. and committee meetings on behalf of CUPE BC away from the office.

When daily per diem is not in effect regular in town per diem will apply as per the Constitution. (\$17.00 per day.)

**9. DAYS IN LIEU**

In cases where CUPE BC business causes Executive Board members and/or Trustees to lose both of their consecutive regularly scheduled days off, they will be allowed to book off days in lieu at CUPE BC's expense. Prior authorization of the Secretary -Treasurer is required for book off of days in lieu.

**10. CONVENTION COMMITTEES**

Convention committee members will have wages and rooms paid for those days the committee is required to meet prior to Convention convening. Per diem for days committee meets when Convention is not in session will be - \$86.00.

The following per diems will apply to the Credentials, Resolutions and Sergeant-at-Arms Committees when Convention is in session:

- a. Chairperson - \$35.00 per day.
- b. Committee Members - \$30.00 per day.
- c. Hotel room at prevailing rates and loss of wages as required.

Convention Committee members who wish to forfeit per diem may have this amount donated to the Colleen Jordan Humanity Fund.

Resolutions Committee – When required to meet prior to the start of convention, lunch will be provided. When required to meet prior to daily convening of convention and through the lunch break food will be provided.

## **11. RECEIPTED EXPENSES**

Where receipted expenses are being submitted, a credit card/debit slip will not be accepted on its own. An itemized receipt from the agency must also be included (e.g. hotels, BC Ferries, etc.) If no receipt is available due to special circumstances a declaration providing an explanation may be accepted, signed by the member and authorized by the Secretary-Treasurer. These declarations may be reviewed by the Trustees.

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