

**CANADIAN UNION OF PUBLIC EMPLOYEES
DELTA SCHOOL SUPPORT STAFF UNION
LOCAL 1091
(Delta School District #37)**

BY-LAWS

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BY-LAWS CUPE LOCAL 1091

GENERAL

Local 1091 of the Canadian Union of Public Employees has been formed to:

Improve the social and economic well-being of all of its members.

Promote the equality for all members and to oppose all types of harassment and discrimination.

Express its belief in the unit of organized labour.

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 "B" to these Bylaws.

The following Bylaws are adopted by Local 1091 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

NEW BY-LAWS AND CHANGES TO CURRENT BYLAWS

These By-Laws are always subordinate to the CUPE Constitution (including Appendix "B") as it now exists or may be amended from time to time, and in the event of any conflict between these By-Laws and the CUPE Constitution, the latter shall govern.

Constitutional interpretation, including determination of conflict, is the prerogative of the National President.

These By-Laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven (7) days' notice at a previous meeting or at least sixty (60) days written notice.

No change in these By-Laws shall be valid and take effect until approved by the National President of CUPE.

SECTION 1 NAME

The name of the Local shall be:

Canadian Union of Public Employees
Delta School Support Staff Union
Local 1091 (Delta School District 37)

SECTION 2 OBJECTIVES

The objectives of the Local are:

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

SECTION 3 MEMBERSHIP MEETINGS

- a) Regular membership meetings shall be held in September, November, January, March, May and June on the third Saturday of the month at 9:30 am and October, February and April the third Tuesday of the month at 6pm. If a statutory holiday, or any other extenuating circumstance intervenes, the Executive Board shall be authorized to change the meeting date and shall give one week's notice in writing of any change in the date of the regular meeting.
- b) The Local Union may hold membership meetings in person or virtually. Where virtual meetings are held, all voting will be conducted electronically provided secrecy can be maintained, where mandated.

- c) Special membership meetings may be ordered by the Executive Board or if requested in writing by no fewer than fifteen (15) members. The President shall immediately call a special meeting when so ordered or requested by the members and shall see that all members receive at least seventy-two (72) hours' notice in writing of the special meeting and the subjects to be discussed. A special membership meeting may be called by the President at the request of the bargaining committee without giving the requisite seventy-two (72) hours' notice in writing. This meeting may deal with any matters brought forward by the bargaining committee.

No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

- d) A quorum for the transaction of business at any regular or special meeting shall be ten (10) members in attendance, including at least two (2) members of the Executive Board.
- e) The order of business at regular membership meetings is as follows:

- Call to Order
- Traditional Territory Acknowledgement
- Roll call of Officers
- Reading of the Equality Statement
- Voting in New Members and Initiation
- Adoption of Agenda
- Adoption of Minutes of Previous Meeting(s)
- Matters arising out of the Minutes
- Treasurer's Report
- Correspondence
- Executive Board Report
- President's Report
- Leave of Absence Report
- Unit Reports
- Reports of Committees and Delegates
- Nominations, Elections or Installation
- Unfinished Business
- New Business
- Good of the Union
- Adjournment

SECTION 4 OFFICERS AND EXECUTIVE BOARD

- a)** The Executive Board of the Local shall be the President, First Vice-President, Second Vice-President, Third Vice-President, Diversity Vice-President, Secretary-Treasurer and Recording Secretary.
- b)** The Officers of the Union shall be the President, 1st Vice-President, Recording Secretary, Secretary-Treasurer and three Trustees.
- c)** 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.
- d)** The Executive Board shall meet on the first Wednesday of every month or will meet prior to the regular meetings of Local 1091; there will be no executive meeting in September. The Executive will meet for an all-day planning meeting in the month of August.
- e)** A majority of the Executive Board constitutes a quorum.
- f)** The Executive Board shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.
- g)** Should any Executive Board member fail to answer the roll-call for three (3) consecutive regular membership meetings or three (3) consecutive Executive Board meetings without having submitted for good reasons for those failures, that office shall be declared vacant and shall be filled by an election at the following membership meeting.
- h)** The Officers shall hold title to any real estate on behalf of the Local. They shall have no right to sell, convey or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- i)** The Officers of the Local who have signing authority shall be the President, the 1st Vice President, the Secretary-Treasurer and the Recording Secretary. All cheques and expenses shall be countersigned by the Secretary-Treasurer and the President. In the absence of the Secretary-Treasurer or the President, the Recording Secretary or 1st Vice President shall be authorized to sign the appropriate cheques and expenses.
- j)** All signing Officers of Local 1091 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 of the National Constitution)

SECTION 5

DUTIES OF THE EXECUTIVE BOARD

a) The President shall:

- Enforce the CUPE National Constitution, these By-Laws and the Equality Statement;
- Preside at all meetings of the Local Union and preserve order;
- Decide all points of order and procedure (subject always to appeal to the membership)
- Have a vote on all matters (except appeals against his/her rulings) and in case of a tie vote in any matter, excluding elections, have the right to cast an additional vote to break the tie;
- Ensure that all officers perform their assigned duties;
- Ensure Committee vacancies where elections are not provided for are filled by Executive Board decision (subject to membership endorsement);
- New Members names are announced at the monthly general membership meetings and voted on by the membership.
- Sign cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, By-laws or vote of the membership;
- Have first opportunity to represent the Union as a delegate to the various affiliates, conventions or other committees or councils;
- Authorize all leaves of absence for union business and/or activities;
- Be the sole spokesperson on all matters pertaining to the Local.

b) The First Vice-President shall:

- If the President is absent or incapacitated, perform all permissible duties of the President;
- If the office of President falls vacant, be Acting President until a new President is elected;
- Perform duties assigned by the Executive Board or by membership decision;

c) The Second Vice-President shall:

- Perform duties assigned by the Executive Board or by membership decision.
- Arrange for representation of the Local at any appropriate and available educational seminars or conferences and submit recommendations accordingly to the Executive Board.
- Instruct delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file for these reports
- Recommend training/orientation for new executive or committee members and chairperson(s)
- In collaboration with the President and Executive, arrange and coordinate professional development education for members in each unit based on the Collective Agreement.

d) The Third Vice-President shall:

- Perform duties assigned by the Executive Board or by membership decision.

- Represent the Local at the District Occupational Health & Safety Committee and provide reports to the membership on health & safety issues.
 - In collaboration with the President and Executive, plan, coordinate and attend member Site Safety Committee meetings 3 times per year including one in the fall
- e) The Diversity Vice President – Racialized Workers shall:
1. Perform duties assigned by the Executive Board or by membership decision.
 - Will maintain a close liaison with the members they represent and keep them informed of the activities of CUPE Local 1091.
- f) 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;
 - Prepare all per capita tax and expense forms and remit payment as soon as reasonably possible;
 - Record all financial transactions in a manner in accordance with good accounting practices;
 - Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union Bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
 - Pay no money unless supported by a voucher duly signed by the person including the expense and by the President or two other members of the Executive Board.
 - 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.
 - Make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited by the trustees semi-annually; respond in writing within a reasonable time to any recommendations and concerns raised by the Trustees.
 - Provide the Trustees with all information they may need to complete the audit report forms supplied by CUPE.
 - Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.
 - Be empowered, with the approval of the President, to employ necessary staff, subject to Executive Board approval, all wages and expenses to be paid for out of the Local's funds and to be reported monthly on the financial statement.
 - Be given second opportunity to attend all CUPE BC and CUPE National Conventions;
 - Make a written financial report to the Local Union monthly.
 - Forward to the National Secretary-Treasurer of the CUPE on the official monthly report forms provided, not later than the last day of each month, all financial obligations for the previous month owing to the CUPE.
 - Provide an annual operating budget at the November General Membership meeting which forecasts the following years needs of the local.

g) 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.

SECTION 6

TRUSTEES, LEAD SHOP STEWARD, SERGEANT AT ARMS & COMMUNICATIONS OFFICER.

a) The Trustees shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary and the Standing Committees semi-annually. The cut-off dates will be June 30th and December 31st of each year;
- Make a written report of their findings to the first regular membership meeting following the completion of each audit;
- Be responsible to check that monies are paid out with the proper constitutional or membership authorization;
- Ensure that proper financial reports are made to the membership;
- Audit the record of attendance;
- Inspect every 6 months any stocks, bonds, securities, office furniture and equipment and titles or deeds to property that may at any time be owned by the Local;
- Use audit forms supplied by the National Office and send a copy of each half-yearly audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE National Constitution.
- 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.

b) The Membership Officer shall:

- Be responsible for guarding the door for in person meetings, or virtual admittance at all 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 by consent of the members present;
- Assist in maintaining the record of membership attendance at meetings. This record shall be returned to the Recording Secretary at the end of each meeting;
- Check identification upon request;
- Perform such other duties as may be assigned by the Executive Board from time to time.

- c) The Lead Shop Steward shall:
- Be responsible for the proper preparation and submission of all grievance(s) on behalf of all members;
 - Keep an accurate record of all grievances;
 - Report to the Executive Board, the National Representative and the membership on the status of all grievances;
 - Be the chair of the Steward/Grievance Committee
 - Recommend actions on all grievances, up to and including arbitration, to the Executive Board and National Representative;
 - Attend all Executive Board meetings with voice but no vote;
 - Ensure members with grievances are kept informed of the status of their grievance;
 - Be responsible for the monitoring of the activities of Shop Stewards and the proper execution of their duties;
 - Be elected by simple majority vote at the biennial meeting of Shop Stewards from the ranks of Shop Stewards. This biennial election meeting shall take place immediately prior to the October General Membership Meeting. This election shall take place on odd numbered years.
- d) The Communications Officer shall:
- Work with the Executive Board and assist in coordinating events with other Delta unions; (i.e. Municipal Workers, DTA, etc.)
 - With approval of the Executive Board, promote CUPE 1091 using a range of media;
 - Maintain and update the Local's website; www.cupe1091.ca
 - Maintain and update a list of email addresses for the Executive, Unit Chairs and Shop Stewards
 - Maintain and update the Local's Social Media sites; (including but not limited to Facebook and/or Twitter)
 - Produce the Local's newsletter;
 - Report to the Executive Board and the membership.

SECTION 7 FEES, DUES AND ASSESSMENTS

- a) Initiation and Re-Admission Fee:
- Each application for membership in the Local shall be directed to the Secretary-Treasurer and shall be accompanied by an initiation or Re-Admission Fee of \$10.00;
 - All new members shall be mailed a CUPE1091 welcome package, including the CUPE Membership application form and a self-addressed stamped envelope. Once the completed CUPE Membership form is received at the Union office the new member will be sent their union card.
 - A new member shall be announced and accepted by the membership at a membership meeting;

- b) Monthly Dues:
- The monthly dues shall be set by motion of the members after written notice has been sent to each member and shall be shown in the policy manual of CUPE 1091. The dues shall be 2% of the member's gross salary;
 - Changes in the levels of the initiation fee and the monthly dues can be effected only by following the procedure shown in the CUPE 1091 Policy Manual.
- c) Assessments:
- An assessment can be levied only for a specific purpose and for a specific period, and a continuing assessment, unless adopted by referendum, must be reviewed at a general meeting at least every six months. All assessments shall be subject to the CUPE 1091 Policy Manual procedures;
 - An assessment can be levied only in accordance with the provisions of Article B 4.2 of the National Constitution.

SECTION 8 NON-PAYMENT OF DUES AND ASSESSMENT

- a) Any member who is in arrears for dues and assessments for a period of three months shall be automatically suspended from membership. A member thus suspended may be re-admitted upon payment of a re-admission fee of not less than the initiation fee and such other penalty as the Local may impose.
- b) A member absent because of unemployment (lay-off), illness, injury (WorkSafeBC), maternity/parental, or general leave shall not be required to pay any dues or re-admittance fee as long as they have rights under the collective agreement.

SECTION 9 NOMINATION, ELECTION AND INSTALLATION OF EXECUTIVE BOARD, TRUSTEES AND SERGEANT AT ARMS

GENERAL

- a) All Executive Board members and Trustees shall be elected by the membership.
- b) The election of the President, Recording Secretary and Second Vice-President shall take place every even year with the alternate years being set for the election of the First Vice-President, Third Vice-President, Diversity Vice-President and Secretary-Treasurer. Each Executive position shall be elected for a (2) year term.
- c) One Trustee shall be elected each year for a three-year term.

- d) The Sergeant at Arms shall be elected for a two (2) year term at the same meeting as the President is elected.

NOMINATIONS

- a) Nominations shall be received at the regular membership meeting held in the month of May.
- b) (i) To be eligible for nomination, a member must have attended at least 4 four general membership meetings held in the previous twelve months.

(ii) No members shall be eligible for nomination if he/she is in arrears of dues and/or assessments.
- c) No nomination shall be accepted unless the member is in attendance at the meeting or if absent, has allowed to be filed at the meeting the member's consent to stand in writing via email, text or paper and authenticated by the president or their designate. This consent shall be witnessed by another member at the meeting.
- d) 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.

ELECTIONS

- a) (i) At a membership meeting at least one month prior to election day, the President shall, subject to the approval of the members, present and appoint an Elections Committee comprised of three members.

(ii) The Committee shall consist of members of the Local who are neither elected officers nor candidates for office. It shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibility as confidential.

(iii) The Elections Committee shall appoint a Returning Officer from amongst themselves.

(iv) Elections shall be conducted electronically using a third-party firm selected by the Executive Board prior to nominations opening. The firm selected must have demonstrated capability to carry out the electronic vote and also the capacity to ensure all voting is secret.

(v) Members will be required to vote for the full number of candidates to be elected or the member's vote will be declared spoiled.

(vi) The Election Committee shall arrange for one voting station at the Union Office.

(vii) Electronic voting will be open five (5) days prior to the June general membership meeting and remain open until midnight on the day preceding the June general membership meeting.

(viii) The Election Committee shall arrange adequate notice to the membership at least seven (7) days prior to the first voting day, with all information pertaining to the election.

(ix) The results shall be announced at the June general membership meeting, posted on the Local Union's website and sent via e-mail to all members who have provided email addresses.

(x) A majority of votes cast shall be required before any candidate can be declared elected and second and subsequent counts shall be taken, if

(xi) For votes as needed the voting period we begin at 10:00 a.m. on the following Monday and remain open until 10:00 a.m. Friday. The results will then be posted on the Local union's website, and sent via email to all members who have provided email addresses.

(xii) If unsuccessful in their bid for election into another position, the candidate will remain in their current elected position.

- b) Any member may request a recount of the votes for any election at the first membership meeting following the election results. -A recount shall be conducted if the request is supported in a vote by at least the number of members equal to the quorum for a membership meeting.

INSTALLATION

All duly elected officers shall be installed by the Returning Officer at the meeting at which elections are held and shall continue in office for two years or until a successor has been elected and installed, provided however, that no term of office except for Trustees, shall be longer than two years.

BY-ELECTIONS

Should an office fall vacant for any reason, the resulting by-election shall be conducted as closely as possible in conformity with these by-laws.

SECTION 10 DELEGATES TO CONVENTIONS, SEMINARS AND VANCOUVER METRO DISTRICT COUNCIL

- a) Except for the President, Secretary-Treasurer's and Diversity Vice-President option, all delegates to conventions shall be chosen by election at membership meetings.
- b) Delegates to the Metro District Council shall be elected annually in September. An official reporter for these delegates shall be appointed annually by the President from among the delegates, and the delegates shall be required to report at each membership meeting of the Local on proceedings at recent meetings of the Council.

- c) Representation at educational institutes and seminars shall be by decision of the membership. However, if time is of the essence, the Executive Board may appoint representatives.
- d) When there are two or more nominees for the positions of delegates, each member voting shall be required to vote for the full number of delegates to be elected or the member's ballot will be declared spoiled.

SECTION 11 COMMITTEES

There shall be the following volunteer committees:

a) GENERAL

- The Chair of each standing committee shall be elected by the members of that committee.
- The Chair and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on the committee.
- The Executive Board shall appoint a vice-president to sit as ex-officio members of these committees.

b) NEGOTIATING COMMITTEE

This committee shall consist of the President plus four (4) members. Each unit will elect their representatives for the Negotiating Committee. The CUPE representative assigned to the Local shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership. The Negotiating Committee shall be elected seven (7) months prior to the expiry of the Local's Collective Agreement and automatically be disbanded when a new Collective Agreement has been signed.

- (i) The Committee shall send out copies of the Memorandum of Agreement to each worksite. After allowing seventy-two (72) hours, a Special Membership Meeting at a time and location to be determined by the Executive shall be called to review the Memorandum of Agreement, to explore the changes to the Collective Agreement, to answer any questions and to vote on the Memorandum of Agreement.
- (ii) In the event of a strike and/or a lock-out being in effect, the above time lines will be suspended and the following shall apply. Copies of the Memorandum of Agreement shall be distributed to the picket captains for each worksite. A meeting shall be called without delay at a time and location determined by the Executive. The meeting shall review the Memorandum of Agreement, explore the changes to the Collective Agreement, answer any questions and vote on the Memorandum of Agreement.

c) SHOP STEWARDS COMMITTEE

Shop Stewards shall be elected by the members of their own unit. There shall be a maximum of five (5) Shop Stewards per unit. Vacancies shall be filled as required. The Shop Stewards shall form the Shop Steward Committee.

Four (4) Shop Stewards one from each unit will be representatives on the Grievance Appeals Committee.

The duties of the Shop Steward shall be:

- Election of the Lead Shop Steward by simple majority vote at the biennial meeting of Shop Stewards from the ranks of Shop Stewards. This mandatory biennial election meeting shall take place immediately prior to the October General Membership Meeting. This election shall take place on odd numbered years.
- Defining, detecting, preparing and presenting grievances at the initial level;
- Generally knowing and policing the Collective Agreement and Provincial or Federal legislation affecting labour and a particular job;
- Providing communications and information from the member(s) in their care to the Lead Shop Steward and from the Lead Shop Steward to the member(s);
- Maintain contact with members to provide ongoing awareness and information.

d) COMFORT COMMITTEE

The Comfort Committee shall be comprised of between one (1) and three (3) members and shall be appointed by the Executive Board each September

This Committee may:

- Visit or make contact with members who are ill;
- If a member is ill for more than 6 working days, show some token of the Local's concern and desire to help, whether the member is at home or in hospital;
- Extend the Local's condolences with an appropriate gesture in the event of the death of a member's immediate family defined as spouse (any two (2) people in a marriage-like relationship), child, child-in-law, parent, sibling, parent of spouse, (including step-parent, child or sibling) and ward or any other dependent relative living in the same household.
- In the event of the death of a member an appropriate donation to a charity of the families wishes will be made by the local in honor of the member.

e) SOCIAL COMMITTEE

The Social Committee shall be comprised of between two (2) to five (5) members and shall be elected in September of each year.

It is the function of this Committee to:

- Arrange and conduct all social and recreational activities of the Local either on the Committee's own initiative or as a result of decisions taken at membership meetings.

- Submit reports and proposals to the Executive Board or to the membership as required.

f) BY-LAW COMMITTEE

The By-law Committee shall be a standing committee and consist of three (3) to five (5) members and shall be elected in September for a 2-year term on the odd year.

The duties of this Committee shall be:

- To review the Constitution and make recommendations on changes where advisable.

g) SPECIAL COMMITTEES

- A special committee may be established for a specified purpose and period by the membership at a meeting.
- The members shall be elected at the same or another membership meeting or may, by specific authorization of the membership, be appointed by the Executive Board.
- Up to two (2) members of the Executive Board may be appointed to sit on any special committee as ex-officio members.

h) UNIT COMMITTEES

- Clerical
- Custodial
- Education Support Workers (EA's, CYCW's, Multi-cultural Workers, Indigenous and Peer Support, Strong Start, etc.)
- Maintenance (Maintenance, Trades, Grounds, IT, etc.)

Each Unit Committee is required to meet no later than October of each year prior to the General Membership Meeting with two or more meetings as needed throughout the year. The volunteer positions of Unit Chair and Recording Secretary shall be elected at the first meeting of each year.

The duties of these committees shall be:

- To record Minutes of the meetings to be supplied to the Union office for filing.
- To report to the General Membership Meeting following the unit meeting.
- To elect unit Shop Stewards
- To elect 1 member from each unit for the Labor Management Committee
- To elect 1 shop steward from each committee who will be the representatives on the Local's Grievance Appeal Committee.
- To provide communications and information from the members in the unit to the Executive and from the Executive to the members.
- Maintain contact with members to provide ongoing awareness and information

SECTION 12

CUPE SITE REPRESENTATIVES

The CUPE Site Rep is a member who has volunteered to be the contact person at each work site. The duties are to be the support person – someone members can contact for questions about the local's contract, benefits, vacation, sick time and other collective agreement matters and their work. The Site Rep can advocate for members at the worksite. They are your connection to your union office, union president, lead shop steward, shop stewards and executive. CUPE Site Reps are not Shop Stewards and cannot represent members at any meetings with administrators or management. Site Reps can advocate for members and are the first contact person if members need help or support.

SECTION 13

Grievance Appeal Committee

3. Will be comprised of the 4 Shop Stewards one from each unit of the local and the Lead Shop Steward.
4. The Lead Steward shall sit as the chair of the Shop Steward/Grievance Appeal Committee.
5. Shall meet as requested by the committee chair.
6. Makes decisions on advancing grievances that have not been resolved by Step 3 of the Grievance Procedure.
7. Shall consult with the National Representative before advancing beyond Step 3 grievances.
8. Shall hear all submissions of the first appeal process.
9. Submit report to Recording Secretary one week prior to general membership meetings to be included in the meeting agenda and minutes.

SECTION 14

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 the 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 Grievance Appeal Committee Chair (here after known as GACC) 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

4. A member who wishes to appeal a decision not to proceed with a grievance or arbitration will notify the GACC within 7 (seven) days of receiving this decision from their Steward.
5. The GACC will add the matter to the agenda of the next Grievance Appeal Committee Meeting.
6. The GACC 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.
7. The Grievance Appeal Committee shall request the opinion of the National Representative.
8. At that meeting, the assigned Steward will present their reasons for not advancing the matter to grievance or arbitration.
9. 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.
 1. The member will then be excused from the meeting.
 2. The Grievance Appeal Committee will then conduct a secret ballot vote to decide on whether to advance the matter or not.
 3. The member will be notified of the decision by the GACC and their right to advance the matter for a final appeal

Final Appeal

4. Should a member wish, they may advance the matter to a final appeal before the Local Executive.
5. To do so, they must notify the GACC within 7 (seven) days of receiving the decision on the first appeal.
6. The GACC will then have the matter placed on the agenda of the next Executive meeting.
7. The GACC will take any and all necessary steps with the employer to ensure the matter is not lost due to any timelines outlined in the grievance procedure of the collective agreement.
8. Prior to the meeting, the Executive shall request the opinion of the National Representative.
9. At that meeting, the GACC will present the Grievance Appeal Committee's reasons for not advancing the matter to grievance or arbitration.
10. 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.
 11. The member will then be excused from the meeting.
 1. The Executive will then conduct a secret ballot vote to decide on whether to advance the matter or not.
 1. The member will be notified of the decision by the President.
 1. The decision of the Executive is final; and unless new and relevant evidence arises there will be no further appeal.

SECTION 15 RULES OF ORDER

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian Parliamentary Procedure.

Some of the important rules to ensure free and fair debate are appended to these By-Laws as Appendix "A". These rules shall be considered as an integral part of the By-Laws and may be amended only by the same procedure used to amend the By-Laws.

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

SECTION 16 OATH OF OBLIGATION

a) NEW MEMBERS

New members shall be obliged to take the following obligation:

"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."

b) EXECUTIVE OATH

Upon completion of an election, the newly elected officers and Executive Board members shall come forward and clearly and audibly speak the following lines to the assembled members:

"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."

APPENDIX “A” RULES OF ORDER

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

- 11) When two (2) or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
- 12) Every member, while speaking shall adhere to the question under debate and avoid all personal, indecorous or offensive language, as well as any poor reflection on the Local or member thereof.
- 13) If a member, while speaking, is called to order, he/she shall cease speaking until the point is determined, if it is decided he/she is in order, he/she may again proceed.
- 14) No religious discussion that does not pertain to our interest and purposes as a trade union shall be permitted during a membership meeting.
- 15) The president shall take no part in debate while presiding, but may yield the Chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
- 16) The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he/she may in addition give a casting vote, or if he/she chooses, refrain from breaking the tie, in which case the motion is lost.
- 17) When a Motion is before the Local, no other Motion shall be in order, except:
- To call for the order of the day;
 - To put the previous question;
 - To lay on the table;
 - To postpone for a definite time;
 - To refer;
 - To divide or amend;
 - Motions shall have precedence in the order named. The first three (3) of these shall be decided without debate.
- 18) A motion for the previous question, when regularly moved and seconded, shall be put in this form:

“Shall the main question be now put?”

If it is adopted, the President shall proceed to take the vote on the resolution and amendment thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.

- 19) A motion to adjourn is in order except:
1. When a member has the floor, and
 2. When members are voting

20) A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen minutes have elapsed.

21) After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.

22) If any member wishes to challenge (appeal) a decision of the Chair, he/she must do so at the time the decision is made. The Chair shall then step down and the First or Second Vice-President shall then assume the Chair and conduct the challenge. If the challenge is seconded, the member shall be asked to state briefly the basis for the challenge. The Chair may then state briefly the basis for the Chair's Decision, following which the Chair shall immediately and without debate put the question:

“Shall the decision of the Chair be sustained?”

A majority vote shall decide except that in the event of a tie, the Chair is sustained.

23) After a question has been decided any two (2) members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.

24) No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without permission of the Vice-President.

25) The Local's business and proceedings of meetings are not to be divulged to any persons outside the Local of the Canadian Union of Public Employees.

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 1091, 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.