

**CANADIAN UNION OF**

**PUBLIC EMPLOYEES**

**LOCAL 402**

**(SURREY and SURREY LIBRARIES)**

**BYLAWS and CONSTITUTION**

September 2024  
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# CUPE LOCAL 402 BYLAWS AND CONSTITUTION

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# **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

## **INTRODUCTION**

Local 402 of the Canadian Union of Public Employees has been formed to improve the social and economic well-being of all 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.

These bylaws are adopted by Local 402 in accordance with the CUPE National Constitution to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members of the Local as possible through the sharing of duties and responsibilities.

Local 402 respects and applies the CUPE National Equality Statement to all of the local's activities. The CUPE National Equality Statement can be found in Appendix A to these bylaws. Local 402 has adopted a Code of Conduct that shall apply to membership meetings and other functions organized by the Local. The Local Union Code of Conduct can be found in Appendix B to these bylaws. Where these by-laws are silent, local 402 shall follow the CUPE National Constitution.

## **SECTION 1 – NAME**

The name of this Local shall be Canadian Union of Public Employees, Local 402 Surrey. Local 402 consists of the following bargaining units:

- 402-02 - Surrey Libraries

# CUPE LOCAL 402 BYLAWS AND CONSTITUTION

## SECTION 2 - OBJECTIVES

- (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 Article II of the CUPE National Constitution.

## SECTION 3 - MEMBERSHIP

### (a) **Membership**

An individual employed within the jurisdiction of Local 402 can apply for membership in Local 402, by filling out and signing an application for membership within their respective bargaining units and paying an initiation fee set by the Local 402.

### (b) **Approval of Membership**

At the first membership meeting after the application has been submitted, the name(s) of the applicant(s) will be read out and unless a majority of members present at the meeting object, the applicant(s) will be accepted into membership.

## **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

### **(c) 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.”

### **(d) Continuation of Membership**

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

### **(e) 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 Local with their current address, home telephone contact number and where available, an e-mail address.

## **SECTION 4 - MEMBERSHIP MEETINGS**

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

The Regular Meetings of Local 402 shall be held a minimum of seven (7) times a year, on the second Wednesday of each month at five thirty (5:30pm.) Notice of each regular membership meeting outlining the date, time and location shall be given to members at least (7) 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 (7) days' notice of the date of the rescheduled regular membership meeting.

## **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

### **(b) Special Membership Meetings**

Special membership meetings of Local 402 may be required and shall be called by the Executive Board or may be requested in writing by no fewer than twenty (20) members. The President shall immediately advise the 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, the time and location. No business shall be transacted at the Special Meetings other than that for which the Special Meeting has been 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 Local 402 meeting shall be thirty (30) members, plus at least two (2) members of the Executive Board. In the absence of a quorum at any Regular Meeting, the Executive Board shall pay all bills and shall carry out the regular business of the Union. Any decision made by the Executive Board will be reported back for ratification at the next membership meeting.

### **(d) Bargaining Unit Meetings**

Bargaining Unit meetings may be 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 as a whole or another bargaining unit.

Bargaining Unit 402-02 regular meetings shall be held a minimum of seven (7) times a year, on the third Wednesday of each month.

The Chair of the Bargaining Unit shall advise members of the bargaining unit seven (7) days in advance of the meeting providing the time and location and an agenda. 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.

## **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

### **(e) Quorum Bargaining Unit Meetings**

The minimum number of members required to be in attendance for the transaction of business at any regular or special bargaining unit meeting shall be twelve (12) members, plus at least one member of the Executive Board.

- twelve (12) members

### **(f) Membership Meeting**

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

- (a) Acknowledgment of Indigenous territory
- (b) Roll call of officers
- (c) Reading of the Equality Statement
- (d) Voting on new members and initiation
- (e) Reading of the minutes
- (f) Matters arising from the minutes
- (g) Treasurer's Report
- (h) Communications and bills
- (i) Executive Board Report
- (j) Reports of committees and delegates
- (k) Nominations, elections, or installations
- (l) Unfinished business
- (m) New business
- (n) Good of the Union
- (o) Adjournment

- (g)** The Local Union may hold membership meetings in person and/or virtually. Where virtual meetings are held, all voting will be conducted electronically provided secrecy can be maintained, where mandated.

# CUPE LOCAL 402 BYLAWS AND CONSTITUTION

## SECTION 5 - NOMINATION, ELECTION, AND INSTALLATION OF OFFICERS

### (a) Nominations, Election, and Installation of Officers

1. Nominations will be received at the regular membership meeting held in the month of April for all positions where either the term has ended (or there becomes a vacancy).
2. Nominations will be accepted from members in attendance at the nomination meeting or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member.
3. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing.
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.

### (b) Elections

1. At the membership meeting, prior to Election Day, the President will, subject to the approval of the members present, appoint an Election Committee consisting of a Lead Returning Officer and assistant(s). The committee will include members of the Local who are neither Officers nor candidates for office. The National Representative assigned to the Local shall serve as an advisor to the committee when requested by the Local.
2. The Election Committee will ensure that sufficient quantities of ballots are made available in good time to the Lead Returning Officer. The Lead Returning 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.
3. The voting will take place at the Union office, or a determined location, the day prior to the regular membership meeting in May. The voting will take place between the hours of six (6) am and seven (7) pm.



## **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

4. All Officers, Executive and elected members of the Negotiating Committee are elected by plurality vote.
5. In the event of a tie vote, a second vote will be held between the candidates with the same number of votes. Notice of the second vote will be provided at the regular membership meeting in May. The voting will take place at the Union office, or a determined location, the day prior to the regular membership meeting in June.
6. When two (2) 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. In the event that there is only one (1) nominee for any position the presiding officer shall order that a ballot be cast for that nominee and that person shall be declared elected by acclamation.
7. 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 4.
8. 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 (7) 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 next regular membership meeting.

### **(c) Bargaining Unit Elections**

Nominations and elections for bargaining unit positions will take place at least one (1) month prior to the Local's general meeting in May. Bargaining unit nominations and elections will be conducted for the following positions:

In odd years the following positions shall be elected for two (2) years:  
Chairperson, Secretary and Executive Member at Large.

In even years the following positions shall be elected for two (2) years: Vice Chairperson, Lead Shop Steward, Membership Officer

## **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

### **(d) Installation of Officers**

All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) years 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.

The Oath of Office to be read by the newly-elected Officers is  
“I promise to support and comply with the Constitution, goals, principles and policies of the Canadian Union of Public Employees.”

### **(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 6 - OFFICERS**

The Officers of Local 402 shall be the President, First Vice-President, Second Vice-President, Secretary, Treasurer, Lead Shop Steward, Bargaining Unit Chair from Surrey Libraries (402-02).

The Surrey Libraries (402-02) Bargaining Unit Chair, shall have equal status in the Executive.

### **(a) Full-Time Paid Officers**

The President is a paid full-time position booked off their job for the term of office. The wage of President shall be equal to the highest wage rate of the existing Local 402 members. The President will work a 40-hour nonstandard work week

The First Vice President is a paid full time position, booked off their job for the term of office. The wage of the First Vice President shall be either their regular rate of pay, or the equivalent of the City of Surrey Pay Grade 27, Step 4, whichever is greater. The First Vice President will work a 40 hour nonstandard work week

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## **SECTION 7 - EXECUTIVE-AT-LARGE, COMMUNICATIONS OFFICER, AND MEMBERSHIP OFFICER.**

There shall be Five (5) Executive Members-at-Large, one of whom must be an auxiliary or young worker, one (1) Communications Officer, and one (1) Membership Officer, who are Members of CUPE Local 402

## **SECTION 8 - TRUSTEE TERMS OF OFFICE OF THE LOCAL**

Three (3) trustees shall be elected in accordance with these bylaws. 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 shall elect one Trustee for a three year period. No member who has been a signing Officer for the Local Union is eligible to run for Trustee, until at least one full term of office has elapsed.

## **SECTION 9 - TERMS OF OFFICE**

At the General Meeting in May, in odd years, the following Officers shall be elected for two (2) years;

- First Vice-President
- Treasurer
- Three (3) Executive Members at Large; one of whom must be an auxiliary or young worker
- Lead Shop Steward
- Membership Officer

At the General Meeting, in May in even years, the following Officers to be elected for two (2) years;

- President
- Second Vice-President
- Secretary
- Two (2) Executive Members at Large
- Communications Officer

# **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

## **SECTION 10 - EXECUTIVE BOARD OF THE LOCAL**

- (a) The Executive Board shall include all officers, the Membership Officer, the Executives At Large and the Communications Officer, except Trustees. The Executive Board shall institute Administrative and Financial Policy and give direction to the Executive Board.
- (b) The Executive Board shall meet at least eight (8) times per year. The Executive Board may meet virtually and/or in person. The only duties of the Executive Board are those set out in the bylaws of the Local Union.
- (c) A majority of the Executive Board constitutes a quorum.
- (d) 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.
- (e) 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 and shall be filled by an election at the following membership meeting.

## **SECTION 11 - SIGNING OFFICERS**

The Treasurer, the President, the First Vice President and the Second Vice President shall be the signing officers. Any two (2) of these four may sign on behalf of the Local Union. Each cheque must be signed by two signing Officers, one of which must be the Treasurer.

Signing Officers of Local 402 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.

## **SECTION 12 - DUTIES OF OFFICERS**

All officers are encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

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

# CUPE LOCAL 402 BYLAWS AND CONSTITUTION

## PRESIDENT

### **The President shall:**

- Enforce the CUPE National Constitution, these Local bylaws and the Equality Statement.
- Interpret these bylaws as required.
- Preside at all membership meetings and preserve order.
- Decide all points of order and procedure (subject always to appeal to the membership).
- Have the same right to vote as other members. In the case of a tie vote, the President may cast another vote or the President may refrain from casting an additional vote, in which case the motion is defeated.
- Ensure that all Officers perform their assigned duties.
- Fill committee vacancies where elections are not provided for.
- Introduce new members and conduct them through the initiation ceremony.
- 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.
- Serve as ex-officio member of all committees of the Local.

## FIRST VICE-PRESIDENT

### **The First Vice-President shall:**

- Perform duties of the President if the President is absent.
- Preside at all meetings of the Executive Board and Regular Membership Meetings when called upon by the President.
- Oversee all applications for education, develop training plans for Executives and Shop Stewards and organize courses and seminars.
- If the office of the President falls vacant, be Acting President until a new President is elected through a by-election.
- Render assistance to any member of the Executive as directed by the Executive Board.
- Oversee and administer the Union Sick bank.

## SECOND VICE-PRESIDENT

### **The Second Vice-President shall:**

- Preside at all meetings of the Grievance Committee and be the liaison between the Grievance Committee, Lead Shop Steward, and the Executive Board.

## CUPE LOCAL 402 BYLAWS AND CONSTITUTION

- Perform the duties of the office senior to their office, in the event of the absence of the President and/or First Vice-President.
- Render assistance to any member of the Executive as directed by the Executive Board.

### BARGAINING UNIT CHAIR 402-02

#### **The Bargaining Unit Chair shall:**

- Ensure that Bargaining Unit meetings are held and report back to the Executive Board with any recommendations decided at the bargaining unit meetings.
- Report back Executive Board decisions and other Union business to their members.
- Participate in Bargaining Unit meetings.
- Attend Executive Board meetings.
- Represent their unit on the Executive Board .
- Serve as ex-officio member of all committees of the bargaining unit.
- Perform such duties as may from time to time be assigned by the Executive Board, or the Surrey Libraries Bargaining Unit.

### SECRETARY

#### **The Secretary shall:**

- Record 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 include the Trustees' reports.
- Preside over membership and Executive Board meetings in the absence of the President, First Vice President and Second Vice President.
- Performs other duties required by the Local Union, its bylaws or the National Constitution.

### TREASURER

#### **The Treasurer shall:**

- Comply with the Administrative and Financial Policies established by the Local.
- 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 bylaws, or vote of the membership.

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- 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. no later than the last day of the following month.
- 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 absence.
- 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.
- 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 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 Treasurer who cannot qualify for the bond shall be disqualified from office.
- Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board as determined by the Executive Board. No request shall be required for payment of per capita fees to any organization to which the Local is affiliated.
- Make all books available for inspection by the 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.
- Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds.
- Notify all members who are one month in arrears and report to the Executive Board all members two or more months in arrears in the payment of union dues.
- Chair the Finance Committee.

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## TRUSTEES

### The Trustees shall

- Ensure that the Treasurer has adhered to the Administrative and Financial Policies established by the Union.
- Act as an auditing committee on behalf of the members and audit the books and accounts of the Treasurer, 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 Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local's funds, records, and accounts are being maintained by the 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.
- 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 Treasurer of the Local Union
  - v. Treasurer's response to recommendations
  - vi. Concerns that have not been addressed by the Local Union Executive Board.

## 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.
- Maintain the record of membership attendance at meetings.
- Perform such other duties as may be assigned by the Executive Board from time to time.



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## LEAD SHOP STEWARD:

### **The Lead Shop Steward shall:**

- Chair the Shop Stewards Committee and sit on the Grievance Committee.
- Work in liaison with the Second Vice-President and all Stewards
- Develops training plans in conjunction the First Vice President for Shop Stewards.
- Act as a resource for all Shop Stewards.
- Perform such duties and carry out such functions as the Executive Board may direct.

## SHOP STEWARDS

### **The Shop Stewards shall**

- Adhere to the established policies of the Union.
- Take those measures necessary to ensure that the provisions and conditions of the Collective Agreement are upheld and notify the Executive Committee of any apparent violations.
- Familiarize the members of their rights, privileges and obligations, as such matters relate to these By-Laws and the Collective Agreement(s).
- Keep all members advised of the time, date and place of all Union meetings and encourage all members to attend meetings of the Union.

## EXECUTIVE MEMBERS-AT-LARGE:

### **Executive Members-at-Large shall:**

- Sit on a minimum of two committees, serving as the Chair of one committee.
- Perform such duties and carry out such functions as the Executive Board may direct.

## COMMUNICATIONS OFFICER

### **The Communications Officer shall:**

- Compile, edit, and produce the Local's newsletter.
- Maintain the Local's website.
- Ensure that there are union bulletin boards on all worksites and ensure that all information on the bulletin boards is current.
- Produce leaflets or other informational material as required from time to time by the Local.
- Chair the Communications Committee.
- Perform such duties and carry out such functions as the Executive Board may direct.

# **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

## **SECTION 13 - FEES, DUES, AND ASSESSMENTS**

**(a) Initiation and Readmission Fee**

Local 402 may charge an initiation and readmission fee of between \$1 and \$10.

**(b) Monthly Dues**

The regular union dues payable by each member shall be established from time to time by Notice of Motion at a General or Special Membership Meeting.

**(c) 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.

**(d) Non Payment of Dues and Assessments**

A member who fails to pay dues and assessments for three (3) months is automatically suspended from membership. The suspension will be reported to the Executive Board by the 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. The readmission fee cannot be less than the initiation fee of the Local.

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

## **SECTION 14 - EXPENDITURES**

**(a) Payment of Local Union Funds**

Funds can only be spent for valid purposes of the Local 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.

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

Authorization to pay per capita tax to CUPE National, to CUPE British Columbia Provincial Division, or any labour organization the Local Union is affiliated with, is not required.

## **SECTION 15 - 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.

## **SECTION 16 - 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.

### **(b) Additional Bylaws**

The Local may amend or add to its bylaws only if:

1. The amended or additional bylaws do not conflict with the CUPE Constitution.
2. 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.
3. Notice of the intention to propose the amended or additional bylaws was given at least seven days before at a previous membership meeting or 60 days before in writing.

### **(c) Supplying Constitutions and Bylaws**

Copies of the CUPE National Constitution and the bylaws of this Local, containing the most recent amendments, shall be made available to all members at the office of the Local Union and electronically.

# **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

## **SECTION 17 - OFFICE STAFF**

CUPE Local 402 will maintain a full time Operations Coordinator to be paid at Pay Grade 21 of the current Collective Agreement. This person will be on a leave of absence from their regular job as per Section 7.5(f) of the current Collective Agreement.

When a vacancy occurs in this position it will be posted, and the successful candidate will be a member in good standing of the Local. The required knowledge, ability and skills for the position shall be the primary consideration, and where two or more employees are equally capable of filling the position, years of service with the City shall be the deciding factor.

The selection process shall be performed by a committee comprised of the President, First Vice President and the Treasurer.

The successful candidate for the position of Operations Coordinator cannot hold any position or office in Local 402 while employed by Local 402. If the candidate currently holds a position or office in Local 402, they must step down from the position, for the duration of their employment with Local 402.

## **SECTION 18 - DELEGATES TO CONFERENCES, CONVENTIONS, AND EDUCATION**

Delegates to Conferences, Conventions, and meetings or conventions of organizations to which the Local is affiliated shall be appointed at the discretion of the President.

Delegates to education and courses shall be appointed by the First Vice President. For Bargaining Unit members, the Unit chairperson will appoint. Any disputes or appeals will be forwarded to the Executive Board for consideration.

## **SECTION 19 - 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, by specific authorization of the membership, be appointed by the President or the Executive Board. Two members of the Board may sit on any special committee as ex-officio members.

## **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

### **(b) 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.

The committee members will consist of the President, who shall be the chairperson, one (1) member of the Bargaining Unit and four (4) 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 during the review process.

### **(c) Negotiating Committee**

This will be a special committee established within six (6) months of the expiry of the Local's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement.

The committee shall consist of the President, First Vice President, Second Vice President, Lead Shop Steward, and three (3) members elected by the general membership. Not more than one (1) member of those elected from the general membership shall be from each of the following membership groups:

- Corporate Services
- Engineering
- Finance
- Parks, Recreation and Culture
- Planning and Development
- RCMP Support Services

The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

## **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

All members of Local 402' s negotiating committee shall make every effort to attend Collective Bargaining Training.

Bargaining Unit 402-02 – the negotiating committee shall consist of the Chairperson, the Vice-Chairperson, the Secretary, and an elected member of the Bargaining Unit. An alternate member may also be elected.

### **(d) 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.
  - All decisions of the committee shall be by a simple majority vote.
- The Committee shall consist of the Lead Shop Steward, the First Vice-President, the Second Vice-President, and any executive board member directly concerned.

For the Bargaining Unit the grievance committee shall consist of the Chairperson, Vice Chairperson, the Lead Shop Steward and Secretary.

The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.

### **(e) 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.

## **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

- 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.
- The committee shall appoint its secretary from among its members.

### **(f) 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.
- The committee shall appoint its secretary from among its members.

### **(g) Social Committee**

This committee will:

- Arrange and conduct all social, cultural, and recreational activities of the Local Union, either on the committee's own initiative or as a result of decisions taken at membership meetings. The committee shall submit reports and proposals to the Executive Board or to the membership as required.
- A budget for the committee will be fixed annually by the membership but, other than that, all social, cultural, and recreational events and activities shall be self-supporting.

The Executive Board may create, appoint, or disband any committee to further the aims and objectives of the union.

The Executive shall appoint an Executive Board member as the committee chair. The committee may elect a co-chair from other members.

The terms of reference for the committee will be approved by the Executive Board.

Requests to join committees will be made through the Executive Board.

# **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

The budget of the committee will be funded through the annual budget. The chair of each committee shall report to the Executive Board and the membership following each committee meeting.

## **SECTION 20 - HONORARY LIFE MEMBERS**

A member who has reached retirement age or is unable to work can apply to the Secretary of the Local for an Honorary Retiring Card when they leave employment. If the member is in good standing, members of the Local will vote on the application at a regular membership meeting. If a majority of members vote in favour of the application, the Secretary will send the name and address of the retiring member to the National Secretary-Treasurer who will issue the Retiring Card

A member who holds an Honorary Retiring Card can attend and speak at membership meetings of the Local Union but cannot vote. A member who holds an Honorary Retiring Card cannot speak or vote at Convention.

## **SECTION 21 - SCHOLARSHIPS**

A scholarship committee of three members shall be appointed by the Local Executive at the April Executive Board meeting of each year.

Scholarships are available for Local 402 Members and dependant children of all Local 402 Members who are Grade Twelve (12) Graduates. The Scholarship money will be presented to the student upon proof that they have been accepted and are enrolled at a University, College or Vocational Institute.

The Local will have seven (7) scholarships for dependants of Members:

- Reg Ford Memorial Academic Scholarship – One (1) \$2,000
- Jeff Thompson Memorial Vocational Scholarship – One (1) \$1,000
- Conor Colton Memorial Vocational – One (1) \$1,000
- Academic Scholarship – One (1) \$1,000
- Three (3) \$500 Scholarships

The Local will have four (4) Scholarships for 402 Members:

- Two (2) \$1,000 post secondary Education Scholarship – full time studies
- Two (2) \$500 post secondary Education Scholarship – part time studies



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Should there be no eligible applicant in any one (1) year, the money would be carried forward to the following year.

The Local will supply an application form which will be sent out to applicants.

### **SECTION 22 - RETIREMENT GIFT**

The Local shall provide a retirement gift in the amount of one hundred (\$100) per each calendar year of employment. In order to be eligible, members must have been a member of Local 402 for a minimum of 12 months and be over 55 years of age.

# CUPE LOCAL 402 BYLAWS AND CONSTITUTION

## 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.

# CUPE LOCAL 402 BYLAWS AND CONSTITUTION

## 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, national conferences, schools, meetings, and all other events organized by CUPE National. It is also applicable to structures of CUPE – locals, Provincial and Service Divisions, District Councils, Provincial Unions, Councils of Union, Provincial Councils of Unions, and Provincial Sectoral Groups. 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 parts of CUPE referenced above. 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.

## CUPE LOCAL 402 BYLAWS AND CONSTITUTION

- 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. At national convention, national conferences, schools, meetings and all other events organized by CUPE National, a complaint shall be brought to the attention of the ombudsperson.
3. At a meeting, event, or activity held by a structure of CUPE, should an ombudsperson be available, the same process would be used. Should an ombudsperson not be available, a person properly appointed and designed to be in charge shall receive the complaint.
4. If the complaint involves a 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 part of CUPE, the person responsible for their employment will be the one to whom a complaint is referred and the relevant collective agreement, should it exist, would be applicable.
5. Once a complaint is received where an ombudsperson is being used, the ombudsperson will work to seek a resolution.
6. If this fails to resolve the matter, the ombudsperson shall report the matter to the new person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.

## CUPE LOCAL 402 BYLAWS AND CONSTITUTION

7. At CUPE National events where an ombudsperson is not available, a person properly appointed and designated to be in charge shall receive the complaint. Depending on the nature of the problem, the person in charge may attempt to resolve it through conflict resolution. If this fails to resolve the matter, the person in charge shall determine whether there is a need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses. The same process is to be used for other parts of CUPE where an ombudsperson is not available.

8. For National events, if the person in charge is a party to the complaint, the director or designate shall assume that role. For all other parts of CUPE, an alternate will be designated to assume the role.

9. In a case where a member has been expelled from an event, the National President shall receive a report on the matter. For all other structures of CUPE, the presiding officer shall receive a report on the matter.

10. 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. A similar process may be applicable to the other parts of CUPE, done in consultation with the National President.

This Code of Conduct is designed to create a safe, respectful and supportive environment within all parts of 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.

All chartered organizations are subject to this Code of Conduct, to apply to conventions, conferences, schools and meetings which they organize.

# CUPE LOCAL 402 BYLAWS AND 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 Secretary will be the Chairperson at the membership meeting. In the absence of the President, Vice-President and 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.

## CUPE LOCAL 402 BYLAWS AND CONSTITUTION

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. Debate shall alternate between pro and con speakers, where appropriate.
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

## CUPE LOCAL 402 BYLAWS AND CONSTITUTION

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.



## **CUPE LOCAL 402 BYLAWS AND CONSTITUTION**

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.