



CANADIAN UNION OF PUBLIC
EMPLOYEES
LOCAL 122 BYLAWS

Approved by the membership – January 18, 2023

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Table of Contents

INTRODUCTION.....	1
SECTION 1 – NAME.....	1
SECTION 2 – OBJECTIVES.....	1
SECTION 3 – REFERENCES.....	2
SECTION 4 – MEMBERSHIP	2
SECTION 5 – AFFILIATIONS.....	3
SECTION 6 – REGULAR AND SPECIAL MEMBERSHIP MEETINGS.....	3
SECTION 7 – OFFICERS	5
SECTION 8 – EXECUTIVE BOARD	5
SECTION 9 – DUTIES OF OFFICERS	6
SECTION 10 – NOMINATION, ELECTION, AND INSTALLATION OF OFFICERS	12
SECTION 11 – FEES, DUES, AND ASSESSMENTS	15
SECTION 12 – NON PAYMENT OF DUES AND ASSESSMENTS	16
SECTION 13 – VOTING OF FUNDS/EXPENDITURES.....	16
SECTION 14 – OUT-OF-POCKET EXPENSES	16
SECTION 15 – CHILD CARE, DEPENDENT CARE AND ELDER CARE	17
SECTION 16 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS.....	17
SECTION 17 – COMMITTEES	18
SECTION 18 – COMPLAINTS AND TRIALS.....	19
SECTION 19 – RULES OF ORDER	19
SECTION 20 – AMENDMENTS.....	20
SECTION 21 – PRINTING AND DISTRIBUTION OF BYLAWS.....	20
Appendix “A” - CUPE NATIONAL EQUALITY STATEMENT	21
Appendix “B” - RULES OF ORDER.....	22
Appendix “C” - CODE OF CONDUCT	25

INTRODUCTION

Local 122 of the Canadian Union of Public Employees has been formed to:

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

The following Bylaws are adopted by Local 122 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

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

SECTION 1 - NAME

The name of this Local Union shall be Canadian Union of Public Employees, Local 122.

Local 122 consists of the following units:

Sector 1 – City of North Bay Inside, Outside and Transit Workers

Sector 2 – North Bay Public Library Workers

SECTION 2 - OBJECTIVES

The objectives of Local 122 are to:

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

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

SECTION 3 – REFERENCES

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

SECTION 4 – MEMBERSHIP

(a) **Membership**

An individual employed within the jurisdiction of Local 122 can apply for membership in Local 122 by signing an application and paying the initiation fee set out in Section 11(e) of these bylaws.

(Article B.8.1)

(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.

(Article B.8.2)

(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.”

(Article B.8.4)

(d) **Continuation of Membership**

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

(Article B.8.3)

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

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

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

SECTION 5 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 122 shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE Ontario Provincial Division
- The North Bay & District CUPE Council
- The North Bay & District Labour Council

SECTION 6 – REGULAR AND SPECIAL MEMBERSHIP MEETINGS

(a) Regular membership meetings of Local 122 shall be held each month except July, August, November and December on the third Wednesday. The November Annual General Meeting shall take place on a Sunday evening at 7:00 p.m. in order to allow

as many members as possible to participate in elections for Executive Board and Trustees as specified in Section 10.

- (b) 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 fourteen (14) days' notice of the date of the rescheduled regular membership meeting.
- (c) Special membership meetings of Local 122 may be required and shall be called by the Executive Board or may be requested in writing by no fewer than ten percent (10%) of the membership. The President shall immediately advise members when a special meeting is called and ensure that all members receive at least twenty-four (24) hours' notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.
- (d) The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be five percent (5%) of the membership, including at least a majority of the Executive Board.
- (e) The order of business at regular membership meetings is as follows:
 - 1. Roll call of officers
 - 2. Reading of the Equality Statement
 - 3. Reading of the Land Acknowledgement
 - 4. Voting on new members and initiation
 - 5. Reading and approval of minutes of previous meeting
 - 6. Matters arising
 - 7. Treasurer's report and approving expenditures
 - 8. Correspondence
 - 9. Executive Board report
 - 10. Reports of committees and delegates
 - 11. Nominations, Elections, or Oath of Office
 - 12. Unfinished business
 - 13. New business
 - 14. Good of the Union
 - 15. Adjournment

(f) 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 Union as a whole or another bargaining unit. The President shall advise members of the bargaining unit seven (7) days in advance of the meeting providing the time and location and an agenda.

The minimum number of members required to be in attendance for the transaction of business at any bargaining unit meeting shall be five percent (5%) of the bargaining unit members plus two (2) members of the Executive Board. Members from other bargaining units in the Local Union may attend these meetings without vote but with voice and are not counted as part of quorum.

- (g) Local 122 is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor, and support new members and equity-seeking members.

SECTION 7 – OFFICERS

The Officers of Local 122 shall be the President, Vice-President of Sector 1, Vice-President/Chief Steward of Sector 2, Chief Steward of Sector 1, Health & Safety/WSIB Chair, Recording Secretary, Secretary-Treasurer, Membership Officer, and three (3) Trustees.

SECTION 8 – EXECUTIVE BOARD

- (a) The Executive Board shall include all Officers, except Trustees and Membership Officer.
- (b) The Executive Board shall meet at least ten (10) times per year.
- (c) A majority of the Executive Board constitutes a quorum.
- (d) The Executive Board shall hold title to any real estate of the Local Union as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposal to a membership meeting and having it approved.
- (e) The Executive Board shall do the work delegated to it by the Local Union and shall be held responsible for the proper and effective functioning of all committees.
- (f) Should any Executive Board member fail to answer the roll call for three (3) **consecutive** regular meetings, or three(3) **consecutive** regular Executive Board meetings without having submitted good reasons, their office shall be declared vacant and shall be filled by an election at the following membership meeting.

SECTION 9 – DUTIES OF OFFICERS

Each Officer of Local 122 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

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

All Signing Officers of Local 122 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.

(a) The President shall:

- Enforce the CUPE National Constitution, these Local Union bylaws and the Equality Statement;
- Interpret these bylaws as required;
- Preside at all membership and Executive Board meetings and preserve order;
- Decide all points of order and procedure (subject always to appeal to the membership);
- 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;
- Either the President or the Secretary-Treasurer must sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE National 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;
- Be ex-officio (by virtue of office) member of all committees;
- Have first preference as a delegate to the CUPE National Convention and Ontario Division Conference;
- Attend all arbitrations and negotiations between each sector and their employer as per their respective collective agreements; and

- On termination of office, surrender all books, seals and other properties of the Local Union to their successor.

(b) The Vice-President of Sector 1 shall:

1. If the President is absent or not eligible, perform all duties of the President;
- Preside over membership and Executive Board meetings in the absence of the President or at the request of the Executive Board;
 - If the office of the President falls vacant, be Acting President until a new President is elected;
 - Render assistance to any member of the Executive as directed by the Executive Board;
 - On termination of office, surrender all books, seals and other properties of the Local Union to their successor;
 - Preside at his appropriate section meetings; and
 - Be the chief liaison with the President in all matters dealing with the employer.

(c) The Chief Steward of Sector 1 shall:

- If the President or Vice President of Sector 1 is absent or not eligible, perform all duties of the President;
- Conduct and chair all stewards' meetings and preside over all grievance committee meetings;
- Coordinate all activities relating to grievances, as directed by the Executive Board;
- Make sure time limits are met or extended;
- See that all stewards perform their duties as assigned;
- Keep the Executive Board informed of all steward activities;
- Ensure that stewards' elections take place every two (2) years (to fall on even-numbered years); and
- Ensure that by-elections are held to fill vacancies for the position of steward.

(d) The Vice-President/Chief Steward of Sector 2 shall:

- Preside over membership and Executive Board meetings in the absence of the President, Vice-President of Sector 1 and Chief Steward of Sector 1 or at the request of the Executive Board;
- Render assistance to any member of the Executive as directed by the Executive Board;
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor;
- Preside at their appropriate section meetings;
- Be the chief liaison with the President in all matters dealing with the employer of Sector 2;
- Conduct and chair all stewards' meetings and preside over all grievance committee meetings;
- Coordinate all activities relating to grievances, as directed by the Executive Board;
- Make sure time limits are met or extended;
- See that all stewards perform their duties as assigned;
- Keep the Executive Board informed of all steward activities;
- Ensure that stewards' elections take place every two (2) years (to fall on even-numbered years); and
- Ensure that by-elections are held to fill vacancies for the position of steward.

(e) 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 Trustee reports;
- Record all amendments and/or additions in the bylaws, and make certain that these are sent to the National President for approval;
- Answer correspondence and fulfil other administrative duties as directed by the Executive Board;
- Keep a record of all correspondence received and sent out;

- Prepare and distribute all notices to members;
- Have all records ready on reasonable notice for the Trustees or auditors;
- Preside over membership and Executive Board meetings in the absence of both the President, Vice-President of Sector 1, Vice President/Chief Steward of Sector 2 and the Chief Steward of Sector 1;
- Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local Union's funds;
- On termination of office, surrender all books, seals and other properties of the Local Union to their successor;
- Arrange for representation of the Local at any appropriate educational seminar or conference and submit recommendations accordingly to the Executive Board; and
- Performs other duties required by the Local Union, its bylaws, or the National Constitution.

(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;
- Either the President or the Secretary-Treasurer must sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE National Constitution, Local Union bylaws, or vote of the membership. The Secretary-Treasurer shall designate and arrange for two (2) other executive board members to provide secondary signatures on cheques if required. All other expenditures must be paid by cheque or recognized electronic payment approved by the Secretary-Treasurer and the President or another signing officer;
- 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, remit payment, including \$1.00 of each initiation fee on all members admitted, no later than the last day of the following month;
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union;

- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices;
- Make a full financial report to meetings of the Local Union's Executive Board;
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period;
- Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;
- Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President or 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 Union is affiliated;
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least twice 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;
- On termination of office, surrender all books, records and other properties of the Local Union to their successor; and
- Extend the local's condolences in the event of the death of a member or one of his/her immediate family and make any other appropriate gesture in accordance with custom or the wishes of the family concerned.

(g) The Trustees shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the Committees at least once every calendar year;
- Make a written report of their findings to the first membership meeting following the completion of each audit;
- Submit at the same time in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner;

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

(Articles B.3.10 to B.3.12)

(g) The Health & Safety/WSIB Committee Chair shall:

- Preside over all meetings of the committee;
- Ensure that all members of the committee receive proper training and updates;
- Sit as an alternate on the Negotiations Committee;
- Report to the membership at regular monthly meetings;
- Ensure that all members of the committee perform their duties;
- Have first preference to attend to any Health & Safety or Injured Workers conventions, conferences, or educational;
- Coordinate all activities relating to Health & Safety and WSIB, as directed by the Executive Board;
- Liaise with other-sector Health and Safety committees and be ex-officio (by virtue of office) member of all sector Health & safety committees; and

- Be a member of the City of North Bay Joint Health and Safety committee on behalf of CUPE 122-1.

(h) The Membership Officer shall:

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

SECTION 10 – NOMINATION, ELECTION, AND INSTALLATION OF OFFICERS

(a) Nominations

1. Notification shall be given at the regular meeting held in the month of October of elections as follows:
 - i. Odd-Numbered Years: President, Chief Steward of Sector 1, Vice-President/Chief Steward of Sector 2, Recording Secretary, Trustee (3 year rotation).
 - ii. Even-Numbered Years: Vice-President of Sector 1, Secretary-Treasurer, Health & Safety/WSIB Chair, Membership Officer, Trustee (3 year rotation).
2. Nominations will be accepted from members in attendance at the elections meeting or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member.
3. 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.
4. To be eligible for nomination, a member must be a member in good standing as set out in Article B.8.3 of the National Constitution.
5. Election for the position of Vice-President/Chief Steward of Sector 2 will be done at a separate meeting of 122-2 prior to the General Meeting and subject to the same nomination, election and installation processes.

(b) Elections

1. The President, Chief Steward of Sector 1, Vice-President/Chief Steward of Sector 2, and Recording Secretary will be elected in odd-numbered years. The Vice-President of Sector 1, Health & Safety Chair, Membership Officer and Secretary-Treasurer shall be elected in even-numbered years.
2. At a membership meeting, at least one (1) month prior to Election Day, the President will, subject to the approval of the members present, appoint an Elections Committee consisting of a Returning Officer and assistant(s). The Committee will include members of the Local Union who are neither Officers nor candidates for office. The Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
3. The Committee will determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
4. The Returning Officer will be responsible for issuing, collecting, and counting ballots. The Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
5. The voting will take place at a special membership meeting to be held on a Sunday evening in the month of November. The vote will be by secret ballot.
6. Voting to fill one office will be conducted and completed, and recounts dealt with before balloting may begin to fill another office.
7. A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will be taken if necessary to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot will be dropped.
8. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
9. When two (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.
10. Any member may request a recount of the votes for any election and a recount will be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as set out in Section 6(d).
11. All election complaints by members will be submitted in writing to the Chief 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 Chief Returning Officer in conjunction with the Elections Committee will investigate the complaint and issue a ruling as soon as practical and report the ruling at the very next regular membership meeting.

(c) Unit Elections

Stewards shall be elected within their units in even-numbered years.

(d) Installation

1. All duly elected Officers shall take the oath of office once elections have been completed at the November elections meeting. The term of office shall commence January 1 and shall continue in for two (2) years or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three (3) years.
2. The terms of office for Trustees shall be so that one serves for a period of three (3) years, one for two (2) years, and one for one (1) year, as laid down in Article B.2.4 of the CUPE National Constitution. Each year thereafter, the Local Union shall elect one (1) Trustee for a three (3) year period. Trustees will be elected for a three (3) year term to preserve overlapping terms. No member who has been a signing officer for the Local Union is eligible to run for Trustee, until at least one (1) full term of office has elapsed.
3. The Oath of Office to be read by the newly-elected Officers is:

“I, _____, do most sincerely promise that I will truly and faithfully, to the best of my ability, perform the duties of my office for the ensuing term, as prescribed in the Constitution and laws of the Canadian Union of Public Employees, and as an Officer of this Local Union will at all times endeavour, both by counsel and example, to promote the harmony and preserve the dignity of its sessions.

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

(e) By-Election

Should an office fall vacant pursuant to Section 8 of these bylaws or for any other reason, the resulting by-election will be held at the next regular meeting and should be conducted as closely as possible in conformity with this Section.

SECTION 11 – FEES, DUES, AND ASSESSMENTS

(a) Monthly Dues

1. The rate of monthly dues is levied at 2.11% of all regular pensionable contributory earnings.
2. The regular monthly dues shall be established or altered by the local only at a regular or special membership meeting provided that notice of motion is given at the preceding regular membership meeting.
3. Dues and dues increases shall be equal to and match national and division dues, dues increases, per capita, special levies and other increases as outlined in the constitution and amendments to same.
4. Notwithstanding the above provisions, if the CUPE constitution raises minimum fees and/or dues above the level herein established, these bylaws will be deemed to have been automatically amended to conform to the new CUPE minima.
5. Special assessments may be levied in accordance with the CUPE constitution.
6. Each application for membership in the Local shall be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of \$1.00, which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.
7. The re-admittance fee shall be \$1.00.

(b) Amending Monthly Dues

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

(Article B.4.3)

(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.

(Article B.4.2)

SECTION 12 – 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 Secretary-Treasurer. The Executive Board will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying a re-admission fee and any other penalty set by the Local Union. The re-admission fee cannot be less than the initiation fee of the Local Union.

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

(Article B.8.6)

SECTION 13 – VOTING OF FUNDS/EXPENDITURES

(a) Local 122 will pay out funds under the following circumstances:

- When the expenditure has received prior authorization through a membership approved budget;
- When these bylaws approve the expenditure; or
- Through a vote of the majority of members at a membership meeting.

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

(b) In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than \$250, a notice of motion must be made at a regular membership meeting and then approved at the following regular membership meeting before the grant or contribution can be paid out.

(c) No member of Local 122 will be allowed to spend any Local Union funds without first having received authorization under Section 13(a) of these bylaws.

SECTION 14 – OUT-OF-POCKET EXPENSES

(a) The President, Vice-President of Sector 1, Chief Steward of Sector 1, Vice-President/Chief Steward of Sector 2, Secretary-Treasurer, Recording Secretary and Health & Safety Chair shall be provided \$300.00 per month.

(b) The Trustees shall each be provided \$150 upon the completion of each report.

SECTION 15 – CHILD CARE, DEPENDENT CARE AND ELDER CARE

Caring for children, dependents or the elderly are barriers to actively participating in the union or to attending membership meetings. Local 122 is committed to removing barriers within its control so that all members have equal access to participation.

- (a) When it is practical and demand warrants, Local 122 will provide on-site child care at all Local Union membership meetings. Where on-site child care is not provided, and in the case of dependent care or elder care, members will be reimbursed to a maximum of the living wage for the area for each hour of required care. Reimbursement will be provided upon proof of payment.
- (b) Any member who is on authorized Local 122 business shall be eligible for child care, dependent care, and/or elder care expenses where required. Upon proof of payment, claims shall be reimbursed to a maximum of the living wage for the area for each hour of care required.
- (c) Claims will not be paid for a spouse, partner, or a family member who normally provides care without charges. Claims will not be paid for periods of time where a member would normally have paid for care such as during normal hours of work at their job.

SECTION 16 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS

- (a) Except for the President's option and as required or suggested by the Executive for committee members only, all delegates to conventions, conferences and educationals must be members in good standing.
- (b) All delegates attending conventions, conferences, or educationals held outside the City of North Bay shall be paid a \$90 per diem allowance for meals and expenses. The Local Union will provide the rental vehicle for out-of-town travel and cover the cost of lodgings. The Local Union will reimburse the member's employer for any loss of wages.
- (c) Delegates to conventions, conferences, and educationals held locally shall have no travel allowance. The Local Union will reimburse the member's employer for any loss of wages. Members shall be reimbursed up to or given a per diem of up to \$25 to cover the cost of meals while attending education and committee meetings attended within the City of North Bay. This does not include educationals and meetings at the local's office.
- (d) Local 122 will provide members with their per diem allowance prior to their attending the convention, conference, or educational.
- (e) Local 122 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals.

SECTION 17 – 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 (2) members of the Board may sit on any special committee as ex-officio members.

1. Negotiating Committee (Sector 1)

This will be a special committee established at least six (6) months prior to the expiry of the Local Union's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of six (6) regular members and two (2) alternate members. The President and Chief Steward shall automatically be regular members. The other four (4) regular members shall be elected from the four (4) sectors of the departments. These shall be decided upon by the Executive prior to the committee selection and based upon the organizational structure of the City of North Bay at the time the negotiating committee is struck. The executive shall endeavour to ensure each department has been placed into the sectors as equitably as possible taking into consideration such things as department numbers and the nature of the work. The Health & Safety Chair and the Vice-President shall automatically be alternate members of the committee. Committee members must be members in good standing.

The CUPE 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.

- i) If an Alternate should run for a regular positioned seat and win, the Alternate position will be put to the floor for nominations of all sectors.
- ii) Should a position become vacant during the bargaining process, the Local Executive shall have the right to appoint someone to fill the vacancy.

2. Negotiating Committee (Sector 2)

This will be a special committee established at least twelve (12) months prior to the expiry of the Local Union's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of four (4) regular members and one (1) alternate member. The President and Vice-

President/Chief Steward of Sector 2 (or their elected delegates) shall automatically be regular members. The other two (2) regular members and the alternate shall be elected by the Sector 2 membership.

The CUPE 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.

All members of Local 122-2's negotiating committee shall attend Level 1 and Level 2 of CUPE's collective bargaining educationals, and/or other courses as directed by the Executive Board.

(b) Permanent Committees

The Chairperson of each permanent committee will be elected by the members at a membership meeting. Permanent committees will have a term of two (2) years. The Chairperson and the Executive Board may, with the approval of the membership, jointly appoint other members to serve on a committee. Committees will provide written reports at each regular membership meeting. The Vice-President shall be a member, ex-officio, of each committee. There shall be one (1) permanent committee as follows:

1. Grievance Committee

This committee will:

- Oversee the handling of all Local grievances;
- Receive copies of all grievances;
- Prepare a report on the status of all grievances to be submitted to the Executive Board, the National Representative, and to the membership meeting; and
- 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.

SECTION 18 - COMPLAINTS AND TRIALS

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

(Articles B.11.1 to B.11.5)

SECTION 19 - RULES OF ORDER

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

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

SECTION 20 – AMENDMENTS

- (a) These bylaws are always subordinate to the CUPE National Constitution (including Appendix “C”) 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 National Constitution, the latter shall govern. The National President has the sole authority to interpret the CUPE National Constitution.
- (b) These bylaws will 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.
- (c) No change in these bylaws will be valid and take effect until approved by the National President of CUPE. The validity will date from the letter of approval of the National President.

SECTION 21 – PRINTING AND DISTRIBUTION OF BYLAWS

Members will receive a copy of Local 122 bylaws, either in paper format upon request or via the Local Union web site at www.122.cupe.ca . Members with special needs may request a copy of the bylaws in larger font.

Appendix “A” - CUPE NATIONAL EQUALITY STATEMENT

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

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

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

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue, or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our union.

CUPE’s policies and practices must reflect our commitment to equality. Members, staff, and elected officers must be mindful that all persons deserve dignity, equality, and respect.

Appendix “B” - RULES OF ORDER

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

proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.

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

24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.
25. After a question has been decided, any two members who have voted with the majority can move reconsideration, provided that a motion for reconsideration is made at either the meeting where the decision proposed for reconsideration was made, or at the very next meeting.
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.

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

Appendix “C” - 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 122, 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.