

CANADIAN UNION OF PUBLIC EMPLOYEES

AND ITS LOCAL 799

CORPORATION OF THE CITY OF QUINTE WEST



BY-LAWS

Approved by the Local: May 1, 2014

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recommnded changes bolded in this document-CL

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PREAMBLE

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following By-Laws are adopted by the Local pursuant to, and to supplement, Appendix "B" of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

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

CUPE Local 799 has adopted a Local Union Code of Conduct that would apply to membership meetings and other functions organized by the chartered organization. The Local Union Code of Conduct can be found in Appendix B to these bylaws.

SECTION 1 - NAME

The name of this Local shall be: Canadian Union of Public Employees, Local No. 799.

SECTION 2 - OBJECTIVES

The objectives of the Local are to:

- (a) secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- (b) promote equality for all members and to oppose all types of harassment and discrimination;
- (c) provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- (d) encourage the settlement by negotiation and mediation of all disputes between the members and their employers;
- (e) promote the efficiency of public services.

SECTION 3 - REFERENCES

- (a) Masculine pronouns shall be understood to include the feminine gender.
- (b) Numbers of Articles at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution which should be read in conjunction with these By-Laws.

SECTION 4 - MEMBERSHIP MEETINGS - Regular and Special

- (a) Regular membership meetings shall be held bi-monthly in the months of September, November, January, March and May.
- (b) Special membership meetings may be ordered by the Executive Board or requested in writing by no fewer than twenty-five (25) members. The President shall immediately call a special meeting when so ordered or requested and shall see 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.
- (c) A quorum for the transaction of business at any regular or special meeting shall be ten (10) members, including at least three (3) members of the Executive Board. When quorum is not attained at a regular or special general membership meeting, the executive board shall be authorized to carry out the business of the local. **Any decision made by the Executive Board will be reported back for ratification at the next membership meeting.**
- (d) The order of business at regular membership meetings is as follows:
 - 1. Roll Call of Officers
 - 2. Reading of the Equality Statement - Appendix "A" attached
 - 3. Voting on New Members and Initiation
 - 4. Reading and approval of minutes of previous meetings
 - 5. Matters Arising
 - 6. Secretary-Treasurer's Report
 - 7. Communications and Bills
 - 8. Executive Board and / or Committee Reports
 - 9. Reports of Committees and Delegates
 - 10. Nominations, Elections, or Installations
 - 11. Unfinished Business
 - 12. New Business
 - 13. Good of the Union
 - 14. Adjournment (Article B.6.1)
- (e) Local 799 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 5 - EXPENDITURES

(a) Payment of Local Union Funds

Funds can only be spent for valid purposes of the Local Union under the following circumstances:

- When the expenditure is authorized by a budget approved by a majority of members present and voting at a regular or special membership meeting;
- When these bylaws approve the expenditure; or
- Through a vote of the majority of members present and voting at a regular or special membership meeting.

(Article B.4.4)

(b) Payment of Per Capita Tax and Affiliation Fees

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

(c) Payment of Local Union Funds to Members or Causes Outside of CUPE

In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than \$200, a notice of motion must be made at a regular membership meeting and then approved at the following regular or special membership meeting before the grant or contribution can be paid out. The approval meeting must be no earlier than seven days after the meeting where notice of motion has been given.

(d) No Officer or member of Local 799 will be allowed to spend any Local Union funds without first having received authorization under Section 5(a) of these bylaws.

SECTION 6 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 799 shall be affiliated to and pay per capita tax to the following organizations:

- The CUPE Ontario Provincial Division
- The Ontario Federation of Labour
- District Council

SECTION 7 - OFFICERS

The Officers of the Local shall be the President, Vice-President, Unit Chair 799-1 Crossing Guards, Chief Steward, Secretary-Treasurer, Recording Secretary and three (3) Trustees. All Officers shall be elected by the membership. (Articles B.2.1 & B.2.2)

SECTION 8 - EXECUTIVE BOARD

- (a) The Executive Board shall comprise all Officers, except Trustees. (Article B.2.2)
- (b) The Board shall meet at least eight (8) times per year. (Article B.3.14)
- (c) A majority of the Board constitutes a quorum.
- (d) The Executive Officers shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- (e) The 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.
- (f) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution. (Article B.11.5)
- (g) Should any Board member fail to answer the roll call for three consecutive regular membership meetings or three consecutive Board meetings without having submitted good reasons for those failures, their office shall be declared vacant and shall be filled by an election at the following membership meeting. (Article B.2.5)

SECTION 9 - DUTIES OF OFFICERS

Each Officer of Local 799 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. (Article B.3.9)

All signing Officers of Local 799 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority. (Article B.3.5)

SECTION 9 - Continued

(a) The President shall:

- enforce the CUPE constitution and these Bylaws;
- preside at all membership and Executive Board meetings and preserve order;
- decide all points of order and procedure (subject always to appeal to the membership);
- have a vote on all matters (except appeals against his rulings) and in case of a tie vote in any matter, including elections, **a revote will be held.** ~~have the right to cast an additional vote to break the tie;~~
- 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;
- sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, By-Laws, or vote of the membership;
- be allowed necessary funds, not to exceed fifty dollars (\$50.00) monthly, to reimburse himself or any officers for expenses supported by vouchers, incurred on behalf of the Local;
- have first preference as a delegate to all CUPE Conventions and the Ontario Federation of Labour. (Article B.3.1)

(b) The Vice-President shall:

- if the President is absent or incapacitated, perform all duties of the President;
- if the office of President falls vacant, be Acting President until a new President is elected;
- render assistance to any member of the Board as directed by the Board.
- shall be authorized to sign cheques in the absence of either of the signing officers;

(c) The Recording Secretary shall:

- keep full, accurate and impartial account of the proceedings of all regular or special membership and Executive Board meetings, ensuring that these records include a copy of the full financial report presented by the Secretary-Treasurer. The record will also include Trustee's reports;
- record all alterations in the By-Laws;
- answer correspondence and fulfil other secretarial duties as directed by the Board;
- file a copy of all letters sent out and keep on file all communications;
- prepare and distribute all circulars and notices to members;
- have all records ready on reasonable notice for auditors and Trustees;
- preside over membership and Board meetings in the absence of both the President and the Vice-President;
- be empowered, with the approval of the membership, to employ necessary stenographic or other assistance to be paid for out of the Local's funds; (Article B.3.3)

SECTION 9 - Continued

(d) The Secretary-Treasurer shall:

- sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- 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 per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including \$1.00 of each initiation fee on all members admitted, no later than the last day of the following month.
- throughout his/her term, and on behalf of the Local Union membership, be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers 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 Board and in accordance with good accounting practices;
- make a financial report to meetings of the Local's Executive Board, as well as 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 the National Office and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;
- pay no money unless supported by a voucher duly signed by the President and one other member of the Board or any two other members of the Board, except that no voucher 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, and have the books 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 they may need to complete the audit report forms supplied by CUPE;
- not later than February 28 each year, furnish each member, on the forms supplied by the National Office, with a statement showing the net amount of tax-deductible dues paid by him during the preceding calendar year;
- be empowered, with the approval of the membership, to employ necessary clerical assistance to be paid for out of the Local's funds;
- notify all members who are one month in arrears and report to the Board all members two or more months in arrears in the payment of union dues; (Articles B.3.4 to B.3.8)

SECTION 9 - Continued

(e) The Trustees shall:

- act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary and the Standing Committees at least once every calendar year;
- make a written report of their findings to the first membership meeting following the completion of each audit;
- submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner;
- be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
- ensure that proper financial reports are made to the membership;
- audit the record of attendance;
- inspect at 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, and report their findings to the membership;
- Send to National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
 - i. Completed Trustee Audit Program
 - ii. Completed Trustees' Report
 - iii. Secretary-Treasurer Report to the Trustees
 - iv. Recommendations made to the President and Secretary-Treasurer of the Local Union
 - v. Secretary-Treasurer's response to recommendations
 - vi. Concerns that have not been addressed by the Local Union Executive Board.

(Articles B.3.10 to B.3.12)

(f) The Chief Steward shall:

- communicate regularly with Stewards in order to collect information for the Executive Board;
- keep Stewards informed of meetings and issues to be included on the agenda for membership meetings;
- keep a supply of grievance forms and contracts;
- assist in the processing of grievances in accordance with the grievance procedure as set out in the collective agreement;
- maintain grievance files and ensure the confidentiality of the grievance files;
- police the contract in conjunction with the Stewards.

SECTION 9 - Continued

(g) The Stewards shall:

- the Stewards shall not form part of the Executive Board but will work under the guidance of the Vice-President/ Chief Steward and must attend four (4) meetings per year.
- it shall be the duty of the Stewards to police the contract, advise members of their rights under the collective agreement, process grievances and attend interviews with supervisors as required.

(h) The Unit Chair shall:

SECTION 10 - OUT-OF-POCKET EXPENSES

The following out-of-pocket expenses shall be provided annually in March:

President	- One Thousand dollars (\$1000.00)
Unit Chair 799-1	- Five hundred dollars (\$500.00)
Vice-President	- Eight hundred dollars (\$800.00)
Chief Steward	- Eight hundred dollars (\$800.00)
Secretary-Treasurer	- Eight hundred dollars (\$800.00)
Recording Secretary	- Eight hundred dollars (\$800.00)
Stewards	- Twenty-Five dollars (\$25.00) per Steward meeting, to a maximum of \$100.00 per year
Trustees (3)	- Fifty dollars (\$50.00) when audit is completed

If an officer is elected into or resigns from an office of the local at any time other than March, their out of pocket expense above shall be prorated by months in office.

SECTION 11 - FEES, DUES, AND ASSESSMENTS

(a) Initiation Fee

Each application for membership in the Local shall be directed to the Secretary-Treasurer and shall be accompanied by an initiation fee of one dollar (\$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. (Articles B.4.1 & B.8.2)

SECTION 11 - Continued

(b) Monthly Dues

The monthly dues shall be two percent (2%) of **regular wages.** ~~average individual earnings.~~
(Article B.4.3)

Changes in the levels of the Initiation Fee, the Readmittance Fee, or the Monthly Dues can be effected only by following the procedure for amendment of these By-Laws (see Section 17), with the additional provision that the vote must be by secret ballot.

(Articles B.4.1 & B.4.3)

Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, these By-Laws will be deemed to have been automatically amended to conform to the new CUPE minima.

Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution.

SECTION 12 - NON-PAYMENT OF DUES AND ASSESSMENTS

Any member in arrears for a period of three months or more shall be automatically suspended and his suspension shall be reported to the Executive Board by the Secretary-Treasurer. The Executive Board shall report to the next membership meeting with a recommendation. Any member under suspension wishing to be reinstated shall, upon application, pay the readmittance fee, plus any dues and assessments in arrears. This money will be returned if the application is rejected. If a member has been unemployed or unable to work because of sickness, he shall pay the readmittance fee but may not be required to pay his arrears.

(Article B.8.6)

SECTION 13 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

(a) Nomination

Nominations shall be received at the regular membership meeting held in the month of March. ~~To be eligible for nomination a member shall have attended at least fifty percent of the membership meetings held in the previous twelve months or in the period he was a member, if less than a year, unless a valid reason, acceptable to the Local, has been given for non-attendance.~~ No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting his consent in writing, duly witnessed by another member. No member shall be eligible for nomination if he is in arrears of dues and/or assessments.

SECTION 13 - Continued

(b) Elections

- (1) The President shall, subject to the approval of the members present, appoint an Elections Committee consisting of a Returning Officer and assistant(s). The Committee shall include members of the Local who are neither officers nor candidates for office, it shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
- (2) The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- (3) The Returning Officer shall be responsible for issuing, collecting, and counting ballots. He must be fair and impartial and see that all arrangements are unquestionably democratic.
- (4) The voting shall take place at the regular membership meeting in March, **biennially** ~~biannually~~, beginning in 2001. The vote shall be by secret ballot.
- (5) Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.

The positions of President and Vice-President shall not be held by persons within the same jurisdictional groups (e.g., if President is elected from Jurisdictional Group A – Outside Workers, then the position of Vice-President must be elected from candidates from either Jurisdictional Group B – Inside Workers or Jurisdictional Group C – Arena Employees or Jurisdictional Group D – Water and Waste Water.

- (6) A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall 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 shall be dropped. In case of a final tie vote, **a revote will be held.** ~~the presiding officer may cast the deciding vote.~~
- (7) When two or more nominees are to be elected to any office by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
- (8) Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as laid down in Section 4 (c).

SECTION 13 - Continued

(c) Installation

(1) All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office 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 years.

(Article B.2.4)

(2) The terms of office for Trustees shall be as laid down in Article B.2.4 of the CUPE Constitution.

(d) By-Election

Should an office fall vacant pursuant to Section 8 (g) of these By-Laws or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this Section.

**SECTION 14 - DELEGATES TO CONVENTIONS, CONFERENCES, EDUCATIONALS
ON UNION BUSINESS**

- (a) Except for the President's option [Section 9 (a)], the number of delegates chosen to attend conventions, conferences and educationals shall be decided at a general membership meeting and the delegates to attend will be decided by the Executive Board.
- (b) All delegates elected to the conventions, conferences, educationals or on union business outside the City of Quinte West shall be paid transportation expenses (at economy, tourist or coach rates) a per diem allowance of eighty dollars (\$80.00) for expenses, and an amount equal to any loss of salary incurred by attendance at the event. Mileage will be paid at the rate allowed by the collective agreement.
- (c) Delegates to union events held inside the Quinte West area shall have no travel allowance. There shall be a per diem allowance of twenty-five (\$25.00) and compensation for any loss of salary incurred by attendance at the event.

SECTION 15 - COMMITTEES

(a) Negotiating Committees

This shall be a special ad hoc committee established at least six (6) months prior to 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 five (5) members of Local 799 (the President, plus one from each jurisdictional group all elected at a membership meeting).

This shall be a special ad hoc committee established at least six (6) months prior to 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 three (3) members of 799.1 (the President, plus two (2) elected from the 799.1 membership).

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

One alternate member will be elected at the same meeting above and will attend the bargaining table in place of an absent committee member.

(b) Special Committees

A special ad hoc committee may be established for a specified purpose and period by the membership at a meeting. The members shall be elected at the same or another membership meeting or may, by specific authorization of the membership, be appointed by the President or the Executive Board. Two members of the Board may sit on any special committee as ex-officio members.

(c) Standing Committees

The Chairperson of each standing committee shall be elected by the members at a membership meeting. The Chairperson and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee. The Vice-President shall be a member, ex-officio, of each committee. There shall be standing committees as follows:

SECTION 15 - COMMITTEES (cont'd)

(1) Grievance Committee

This Committee shall process all grievances not settled at the initial stage and its report shall be submitted first to the Executive Board, with a copy to the CUPE Representative, and then to a membership meeting. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or complainants, as provided for in the collective agreement. The Committee shall comprise Chief Steward and three (3) other members to be selected from among the shop stewards. The Committee shall appoint its secretary from among its members.

(2) Labour/Management Committee

The Labour Management Committee shall consist of the President, one (1) member from each jurisdictional group, and the Unit Chair for 799-1. This Committee shall have the authority to resolve individual issues which do not alter the terms of the collective agreement.

SECTION 16 - RULES OF ORDER

All meetings of the Local shall 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 By-Laws as Appendix "C". These rules shall be considered as an integral part of the By-Laws and may be amended only by the same procedure used to amend the By-Laws.

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

SECTION 17 - AMENDMENT

(a) CUPE Constitution

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

(Articles 9.2 (c), 13.3 & B.5.1)

SECTION 17 - Continued

(b) Additional Bylaws

A Local Union can amend or add to its bylaws only if:

- (i) the amended or additional bylaws do not conflict with the CUPE Constitution;
- (ii) the amended or additional bylaws are approved by majority vote at a regular membership meeting or at a special membership meeting called for that purpose; and
- (iii) notice of the intention to propose the amended or additional bylaws was given at least seven days before at a previous membership meeting r 60 days before in writing.

(Articles 13.3 & B.5.1)

(c) Effective Date of Amended or Additional Bylaws

The amended or additional bylaws do not come into effect until they have been approved in writing by the National President. The National President will decide whether to approve the amended or additional bylaws within 90 days of receiving them and will withhold approval only where they conflict with the CUPE Constitution.

(Articles 13.3 & B.5.1)

**APPENDIX "A" - CUPE NATIONAL EQUALITY STATEMENT
TO THE BY-LAWS OF LOCAL 799, CUPE**

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 sisters and brothers deserve dignity, equality and respect.

APPENDIX "B" - CODE OF CONDUCT TO THE BY-LAWS OF LOCAL 799, CUPE

Local 799 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.

Local 799 strives to promote 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.

Local 799 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 799 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 799 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 799 sets out standards of behaviour for members at meetings, and all other events organized by Local 799. It is consistent with the expectations outlined in the Equality Statement, CUPE National Constitution and these bylaws. 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 members of Local 799 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 other, 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; and
- Take responsibility for not engaging in inappropriate behaviour due to abuse 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 this 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 the person 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. Once a complaint is received, a designated Officer of the Local Union will work to seek a resolution.
3. If this fails to resolve the matter, the designated Officer of the Local Union shall report the matter to the 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.

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 Bylaws of Local 799, 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 of the CUPE National Constitution.

APPENDIX "C" - RULES OF ORDER
TO THE BY-LAWS OF LOCAL 799, CUPE

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, **a revote will be held.** ~~the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.~~
19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) put the previous question; 3) lay on the table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.
20. The Chairperson will ask "Will the main question be now put?" where a motion for the previous question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.

21. A motion to adjourn is in order except when a member is speaking or when members are voting.
22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.
23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.
24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.
25. At a membership meeting where a question has been decided any two members who voted with the majority can give notice of a motion to reconsider a decision of the membership at the next membership meeting. The motion to reconsider requires the support of a two-thirds majority of members who vote. If two-thirds majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.
26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.
27. The Local Union's business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.