

**CANADIAN UNION OF PUBLIC EMPLOYEES**



**BYLAWS  
LOCAL 3909**

**FOR THE PROVINCE OF MANITOBA**

**Approved by General Membership: April 27, 2009**

**Approved by National Office: June 29, 2009**

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## **PREAMBLE**

In order to improve the social and economic welfare of its members and their communities without regard to sex, ancestry, physical characteristic, national or ethnic origin, religious belief or practice, citizenship, place of residence, marital or family status, sexual orientation, mental or physical disability, political belief, affiliation, or activity, or criminal record, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, Local 3909 of the Canadian Union of Public Employees has been formed.

The following Bylaws are adopted by Local 3909 pursuant to, and to supplement the CUPE/SCFP Constitution and the Appendices therein, to safeguard the rights and privileges of all members, to provide for responsible administration of Local 3909, and to involve as many members as possible through the cooperative sharing of duties and responsibilities.

## **ARTICLE 1 - NAME**

- 1.1 The name of this Local shall be: Canadian Union of Public Employees, Local 3909; hereinafter, it shall be referred to as ‘the Local’.

## **ARTICLE 2 – GOVERNING AUTHORITY**

- 2.1 The Local is a chartered local of the Canadian Union of Public Employees. This Bylaws (hereinafter, it shall be referred to as ‘the Bylaws’) shall conform in all respects with the Constitution of the Canadian Union of Public Employees and the Appendices therein; hereinafter, it shall be referred to as ‘the Constitution’. Should a conflict arise with respect to the Constitution and the Bylaws, the Constitution shall take precedence.
- 2.2 The activities of the Local shall conform to the Constitution and Appendices of the Canadian Union of Public Employees and the Bylaws of the Local.
- 2.3 The Canadian Union of Public Employees shall hereinafter be referred to as “the Union”.

## **ARTICLE 3 - OBJECTIVES**

- 3.1 The objectives of the Local are to:
  - (a) protect, maintain, and advance the collective interests and economic and social welfare of the members of the Local and of workers in general;

- (b) secure adequate remuneration and accreditation for work performed by the members of the Local;
- (c) support the Union in achieving the goals as set out in Article II of the CUPE Constitution;
- (d) regulate relations between the employer and employees by means of collective bargaining and joint consultation and to encourage the settlement of disputes by negotiation and mediation;
- (e) provide an opportunity for its members to influence and shape their future through free democratic collective trade unionism;
- (f) assist in improving the quality of education at the University of Manitoba by means of active participation in the determination of teaching methods, curriculum, and course content;
- (g) develop and maintain professional standards of skill, to maintain fair rates of pay and terms and conditions of employment for its members in recognition of their skill, and to work to ensure work opportunities for members within its jurisdiction;
- (h) act as a lobbying agent on behalf of its members to all appropriate outside agencies which are responsible for, or which have an interest in, post-secondary education issues (such as funding, access, and quality) in the province of Manitoba;
- (i) eliminate any form of discrimination and/or harassment founded on the basis of sex, ancestry, physical characteristics, national or ethnic origin, religious belief or practice, citizenship, place of residence, marital or family status, sexual orientation, mental or physical disability, political belief, affiliation, or activity, or criminal record, wherever it may exist, and;
- (j) do all things necessary to the attainment of the above objectives.

#### **ARTICLE 4 - INTERPRETATION AND DEFINITIONS**

- 4.1 The Numbers of Articles appearing at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution which should be read in conjunction with these Bylaws.

## **ARTICLE 5 – ORGANIZATIONAL STRUCTURE**

- 5.1 The governing bodies and structure of the Local shall be as follows:
- (a) The Membership;
  - (b) The Executive Board; and
  - (c) Committees of the Local.
- 5.2 The plenary authority of the Local shall rest with the membership of the Local. Such authority shall be exercised in properly constituted Membership Meetings, in accordance with the Bylaws.

## **ARTICLE 6 – MEMBERSHIP**

- 6.1.1 The membership of the Local shall consist of all employees of the University of Manitoba as specified under the terms of Manitoba Labour Board Certificate nos. MLB-4002 and MLB-5259. Members covered under certificate no. MLB-4002 shall be called Unit One of the Local and members covered under certificate no. MLB-5259 shall be called Unit Two of the Local.
- 6.1.2 The membership of Unit One of the Local shall consist of all students registered at the University of Manitoba who are employed by the University of Manitoba in teaching, demonstrating, tutoring, or marking, including only those students employed in certificate or degree credit courses who are paid through the Work/Study Programme, only those students employed in certificate or degree credit courses in the Continuing Education Division, only those students employed in certificate or degree credit courses in Recreational Programmes conducted by the University of Manitoba, save and except those employees covered by current existing Collective Agreements, and those excluded by the Act.
- 6.1.3 The Membership of Unit Two of the Local shall consist of all persons holding sessional appointments or employed part-time by the university of Manitoba in the Province of Manitoba performing the work of Instructor I, Instructor II, Senior Instructor, Lecturer, Assistant Professor, Associate Professor, Librarian, or Counsellor, excluding professional employees who practice a profession outside the University and teach only part-time, **within their professional capacity** and excluding employees in Non-Degree Credit Programs, and excluding employees covered under other Certificates, those covered by the collective agreement between the University of Manitoba Faculty Association and the University of Manitoba, and those excluded by the act.
- 6.2 Any member whose employment terminates may maintain one's membership until the beginning of the second academic year subsequent to the last academic year in which one was employed.

**6.2.1 For the purposes of Local governance Good Standing will continue for eight (8) months after termination of employment.**

6.3 No person shall be excluded from membership because of sex; ancestry; physical characteristic; national or ethnic origin; religious belief or practice; citizenship; place of residence; marital or family status; sexual orientation; mental or physical disability; political belief; affiliation, or activity; criminal record, or; other such ascribed or achieved individual characteristic provided for in the Constitution, enacted Legislation, or the Constitution of Canada.

6.4 No person otherwise eligible for membership in the Local shall be admitted to membership if the person has been fined, suspended, or expelled by the Union or any local of the Union until the aforementioned has complied with the terms of such fine, suspension or expulsion (Article B.VI).

## **ARTICLE 7 – MEMBERSHIP MEETINGS**

### 7.1 Regular Membership Meetings

7.1.1 Regular Membership Meetings shall be held at least once between September 1 and December 31, which shall be the General Membership Meeting, and at least once between January 1 and April 30, which shall be the Annual General Meeting.

7.1.2 The order of business at Regular Membership Meetings is recommended as follows:

- a) Roll Call of Officers
- b) Reading of Minutes
- c) Matters Arising from Previous Minutes
- d) Treasurer's Report
- e) Communications and Bills
- f) Trustees' Audit Report
- g) Executive Board Report
- h) Reports of Committees and Delegates
- i) Executive Reviews**
- j) Nominations, Elections, or Installations**
- k) Unfinished Business**
- l) New Business**
- m) Announcements**
- n) Good of Union**
- o) Adjournment (Article B.VIII)**

## 7.2 Special Membership Meetings and Referenda

7.2.1 Special Membership Meetings may be ordered by the Executive Board or requested in writing by no fewer than twenty-five (25) members. The President of the Local shall immediately call a special meeting, to take place within fourteen (14) days, when so ordered or requested and shall ensure that all members receive at least seven (7) days notice of the special meeting and the subject(s) to be discussed, except in the case of a meeting called for the consideration of strike votes in accordance with Bylaw 7.2.2. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

**7.2.2 Quorum for Special Membership Meetings when called by either the Executive Board or by the Membership shall be the same as stated in Bylaw 7.4.6.**

**7.2.3 A referendum shall be ordered by the membership at a special or regular membership meeting when it judges that the importance and urgency of an issue warrants one. Volunteers and staff shall act as returning officers, and shall be responsible for ensuring the fair conduct of the ballot and establishing the timelines for the process. The referendum vote shall take place within two (2) weeks of the Executive order to conduct a referendum.** The results of the referendum will be announced as soon as possible after the vote. The results of any duly held referendum shall have the same force as a majority vote at a Membership Meeting. Any protest alleging “unfair ballot” or other irregularity must be presented in writing to the Secretary of the local within seven (7) days of the announcement of the results of the ballot. Upon receipt of such a protest, the Executive Board shall investigate the matter. If the protest is found to have substance, another ballot shall be conducted. All ballots and voting lists shall be held by the Trustees for a reasonable period of time after the referendum. A motion to destroy the ballots shall be in order at a subsequent meeting of the Executive Board following the referendum.

## 7.3 Annual General Meeting

7.3.1 The Executive Board shall call an Annual General Meeting between January 1<sup>st</sup> and April 30<sup>th</sup> with the purpose of reporting to the membership the business transacted during the current fiscal year, **conducting Executive elections, and presenting Executive Reviews and Audits.**

7.3.2 At the Annual General Meeting, the Secretary-Treasurer shall submit a full written financial report, covering the current fiscal year, to the membership for approval.

7.3.3 At the Annual General Meeting, the Secretary-Treasurer shall submit a proposed budget for the following fiscal year to the membership for approval.

7.3.4 Notwithstanding the above, should negotiations for a Collective Agreement be in process, the Annual General Meeting may be delayed until such time as a new agreement has been ratified.

7.4 Membership Meeting Procedure

7.4.1 **Notice of meeting shall include posting date, time, place, and subject on all union bulletin boards and may include, but not be limited to, the usage of Internet and E-mail sources, telegram, letter, telephone, and facsimile.**

7.4.2 Every member in good standing is entitled to motion, speak, and vote, in accordance with the Bylaws, on any issue which may arise at a Membership Meeting.

7.4.3 Except where otherwise prescribed in the Bylaws, voting at a Membership Meeting shall be by show of hands, and a majority of those members present shall be sufficient to determine a decision **granted the quorum is met as per Bylaw 7.4.6.**

7.4.4 **Non-members may request to attend a membership meeting. Such a request shall be presented to the membership at that meeting and the non-member shall be admitted or asked to leave by a simple majority of members present. Members may request that the non-member leave during the meeting by forwarding a motion and approving the motion by a simple majority. Non-members may request speaking privileges from the Chair.**

7.4.5 A roll-call vote may be requested at a Membership Meeting by one-third (1/3) of the members in good standing present at said meeting, except where a secret ballot is provided for.

7.4.6 A quorum for the transaction of business at any Membership Meeting shall be fifteen (15) members, including at least three (3) members of the Executive Board, except for that provided for under Bylaw 7.2.3.

**ARTICLE 8 – DISBURSEMENT OF FUNDS**

8.1 **The Secretary-Treasurer and one more officer of the Executive Board shall sign all cheques drawn on any account of the Local which are authorized in accordance with Bylaw 8.2.**

8.2 Except for ordinary operating expenses and dues owing to the Union, no sum over **two-hundred dollars (\$200.00)** shall be voted for the purpose of a grant, contribution, or other disbursement of funds to a member, cause, organization, or other legal entity outside the Union, except by a notice of motion given in writing and carried at a Membership Meeting (Article B.4.4).

## **ARTICLE 9 - OFFICERS**

- 9.1 **The Officers of the Local shall be the President, Vice-President (Social Policy), Vice-President (Internal, Unit 1), Vice President (Internal, Unit 2), Secretary-Treasurer, Secretary and three (3) Trustees. All Officers, with the exception of the Trustees, shall be normally elected by secret ballot conducted two weeks after the Annual General Meeting at a location determined by the Elections Committee. Trustees shall be elected from the floor at the GMM as per article 13.7. A vote will not take place for, and acclamation will be granted to, those nominees who are uncontested.**
- 9.2 Any Officer of the Local may be subject at any time to review of said Officer's performance at a Membership Meeting. Notice that such a review will take place must be included within announcements for the membership meeting at which it will take place, in accordance with Bylaw 7. Following such a review, the members present may vote, following a carried motion to proceed to remove, to remove the Officer.
- 9.2.1 Upon receipt of a valid petition requesting review of an Officer of the Local, written notice that such a review will take place shall be delivered within three (3) days by registered mail or hand delivered to said Officer, to allow said Officer to be present during such a review.
- 9.2.2 The Executive Board shall call a Special Membership Meeting or include within the agenda of the next Regular Membership Meeting, whichever being both expedient and feasible, to review the performance of an Officer upon receipt of a valid petition requesting a review which contains the signatures of no less than ~~fifteen percent (15%) of the membership~~ **25 members** in good standing.
- 9.2.3 **Such a petition must contain the name, department of employment, home telephone number, and signature of each signatory.**
- 9.2.4 **No more than twenty-five (25) percent of the signatories may be from any one department of employment.**
- 9.2.5 At any Membership Meeting in which an Officer's performance is under review, the affected Officer shall at all times have the right to speak, as point of personal privilege, on said Officer's behalf.
- 9.2.6 A majority of two-thirds (2/3) voting in favour of removal is required to remove any Officer. Notwithstanding the Constitution or the Bylaws, in such a vote for removal, abstentions shall be included within calculation of total votes cast.
- 9.3 In any instance where a position held by an Officer of the Local becomes vacant, the Executive Board of the Local shall appoint an *interim* person(s), **who is a member of**

**the local**, to perform the duties of said vacancies in order to preserve the orderly conduct of the Local daily business, until the next Membership Meeting or annual general election, whichever occurs first.

**9.4 In any instance where the member of the executives has lost good standing, the executive shall be able to continue their office at the discretion of the executive board, to maintain the orderly duties of the local.**

**9.5 A person who is not the member of the local cannot be an Executive Officer of the local.**

#### **ARTICLE 10 - EXECUTIVE BOARD**

10.1 The Executive Board shall be the governing body of the Local between Membership Meetings. It shall take such actions and render such decisions as may be necessary to fully carry out the decisions and instructions of Membership Meetings of the Local. The Executive Board shall enforce the Constitution and Bylaws and the provisions of all agreements between the employer and the employees and shall coordinate Union-Local affairs. **Each Executive Officer shall endeavour to stay informed of all aspects of the Local to the best of their abilities.**

10.2.1 The Executive Board of the Local shall comprise all Officers except Trustees (Article B.2.2).

10.2.2 The Executive Board of the Local shall also include, in an *ex officio* capacity, the Chair of all Standing Committees of the Local. Each Standing Committee Chair shall have the privilege of speaking and motion on behalf of the respective Standing Committee, but are excluded from votes and in the calculation of a quorum as specified under Bylaw 10.4.

10.3.1 The Executive Board of the Local shall meet at least ~~bi-weekly~~ **monthly** except under the conditions specified under Bylaw 10.3.2.

10.3.2 The Executive Board of the Local shall meet at least monthly during the months of May, June, July, August and December and during months whereby negotiations for a Collective Agreement occur (Article B.3.13).

10.4 A simple majority of voting members of the Executive Board of the Local shall constitute a quorum for the transaction of business.

10.5 The Executive Board Officers shall hold title to any real estate of the Local as trustees for the Local. The Officers of the Local shall have no right to sell, convey, or encumber any real estate except by a notice of motion given in writing and carried at a Membership Meeting.

- 10.6 The Executive Board shall do work delegated it by the Local and shall be held responsible for the proper and effective functioning of all Committees.
- 10.7 Any charge against an Executive Board member(s) must be made in writing and dealt with in accordance with the provisions of the Constitution (Articles B.VI).
- 10.8 Should any Executive Board member fail to answer the roll-call for three (3) consecutive Executive Board and/or Membership Meetings without showing just cause for absence, the respective Executive Board position shall be declared vacant (Article B.2.5).
- 10.9 The Executive Board shall be empowered, under the direction of the Local, to employ or contract necessary stenographic, clerical, research, or any other assistance, at the request of any Officer of the Local, which will be paid for from Local funds.
- 10.10 The Executive Board shall be empowered to establish interim *ad hoc* committees of the Local.
- 10.11 The Executive Board shall make available to the membership all reports (audits, executive reviews, executive reports, committee reports, and delegate reports) and previous meeting minutes two days prior to the General Membership Meeting and the Annual Membership Meeting via email or the website.**
- 10.11.1. The executives shall have a planning retreat within the first month after election with the idea to plan for the forthcoming year. The outgoing executives may be invited to attend.**

## **ARTICLE 11 - DUTIES OF OFFICERS**

### 11.1 Duties of the President

- The President, in consultation with staff and the Executive Board shall inform him/herself about the history and current affairs of the Local. The President must endeavour to represent all members of the Local in a fair and respectful manner.**
- 11.1.1 The President shall enforce the Constitution and the Bylaws.
- 11.1.2 **The President, in consultation with the entire Executive Board, shall be the chief Executive Officer of the Local and be responsible for the smooth and efficient operation of the Local.**
- 11.1.3 **The President shall normally preside over all Executive Board and Membership Meetings but has the power to appoint another Executive Officer member to preside over Executive and Membership Meetings.**

- 11.1.4 **The President, in conjunction with the Executive Board, shall be responsible for informing him/herself** regarding all funds of the Local and ensuring that the disbursement of funds are in accordance with the Constitution, Bylaws, and votes of a Membership Meeting.
- 11.1.5 The President, **in conjunction with the Executive Board**, shall be responsible for supervising any staff hired by the Local.
- 11.1.6 The President, **in conjunction with the Executive Board**, shall ensure that all Officers perform their assigned duties as outlined within the Bylaws and Constitution (Article B.III).
- 11.1.7 The President shall decide all points of order and procedure subject to appeal as provided in the Constitution **at all Annual, General, and Special Membership Meetings if he/she is presiding over the meeting. If the President has appointed someone else according to Bylaw 11.1.3 then the appointee will decide on all points of order and procedure (Article A.11).**
- 11.1.8 The President shall cast a vote on all matters and elections, except procedural ruling appeals occurring under Bylaw 11.1.7, and will cast an additional vote to resolve a tie in any instance whereby a tie has resulted.
- 11.1.9 The President shall fill Committee vacancies where elections are not provided for.
- 11.1.10 The President can be a voting member of all Committees of the Local.
- 11.1.11 The President shall have first preference as a delegate to the CUPE National Convention and any other affiliated constituted bodies for which Local representation has been requested.
- 11.1.12 **The President shall submit a report about the Local at the General Membership Meeting and the Annual Membership Meeting in accordance with Bylaw 10.11.**
- 11.2.1 Duties of the Vice-President (Social Policy)  
**The Vice-President (Social Policy) shall call, give proper notice for, and preside over all meetings of the Gender, Ethnicity and Politics Committee as per Bylaw 17.3.**
- 11.2.2 **The Vice-President (Social Policy) shall make sure that all committees are operating and functioning properly as per the Bylaws and the CUPE National Constitution.**
- 11.2.3 **The Vice-President (Social Policy) shall bring to the attention of the Executive Board any issues pertaining to inequitable gender practices, unfair treatment**

**due to ethnicity, within the Local and at the University of Manitoba at large, in compliance with these Bylaws, the CUPE National Constitution, and the Canadian Charter of Rights and Freedoms.**

- 11.2.4 The Vice-President (Social Policy) shall be responsible for undertaking specific educational and/or mobilization campaigns as determined by the Executive Board, the Local, and/or the Union.**
- 11.2.5 The Vice-President (Social Policy) shall submit a report about their duties at the General Membership Meeting and the Annual Membership Meeting in accordance with Bylaw 10.11.**
- 11.2.6 The Vice-President (Social Policy) shall ensure communication between the Local and other unions and organizations at the University of Manitoba. He/she shall also ensure that the Local is up to date about all relevant events and information.**
- 11.3.1 Duties of the Vice-President (Internal, Unit One) and Vice President (Internal, Unit 2)**
- The Vice-Presidents Internal shall endeavour first and foremost to diligently represent their respective Units.**
- 11.3.2 The Vice-Presidents (Internal) shall meet bi-weekly, whether in person, on the phone, or through email, to discuss and inform themselves on matters arising from their particular Unit and to coordinate activities.**
- 11.3.3 The Vice-Presidents (Internal) shall bring to the attention of the Executive Board all grievances which come to the Vice-Presidents' (Internal) attention, report to the Executive Board on all business conducted by the Grievance Committee, including all Committee recommendations for Executive Board decision or action.**
- 11.3.4 The Vice-Presidents (Internal) shall maintain adequate records of all grievances conducted by the Local or Union to be maintained in the Local office.**
- 11.3.5 The Vice-Presidents (Internal) shall call, give proper notice for, and preside over all meetings of the Grievance Committee as per Bylaw 17.5.**
- 11.3.6 The Vice-Presidents (Internal) and shall normally represent the Local at all grievance meetings.**
- 11.3.7 The Vice-Presidents (Internal) are *ex officio* members of the Stewards' Committee.**

- 11.3.8 The Vice-Presidents (Internal) shall be responsible for undertaking specific educational and/or mobilization campaigns as determined by the Executive Board, the Local, and/or the Union.
- 11.3.9 The Vice-Presidents (Internal) shall liaise regularly with the Secretary and Vice-President (External) in developing educational and mobilization materials.
- 11.3.10 The Vice-Presidents (Internal) shall be responsible for performing or coordinating research tasks as directed by the Executive Board, the Local, and/or the Union.
- 11.3.11 **The Vice-Presidents (Internal) shall submit a report about their duties at the General Membership Meeting and the Annual Membership Meeting in accordance with Bylaw 10.11.**
- 11.4.1 Duties of the Secretary-Treasurer
- The Secretary-Treasurer shall be responsible for **the payment of expenditures**, the keeping of financial records of the Local and shall ensure that receipts are given for all monies received in a manner acceptable to the Executive Board and in accordance with good accounting practices and the Bylaws.
- 11.4.2 The Secretary-Treasurer shall receive all revenue, initiation fees, dues, and assessments, in the form in which they are received, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union as the Executive Board may direct in the name of the Local.
- 11.4.3 The Secretary-Treasurer shall prepare all CUPE National per capita tax forms and remit payment no later than the last day of the following month.
- 11.4.4 The Secretary-Treasurer shall report on the finance of the Local at each meeting of the Executive Board, shall normally chair all financial and budget Committees established at the Local, and shall present a written financial report at the Annual and Regular Membership Meetings for the fiscal period of such meeting, in accordance with Bylaw 7.3.
- 11.4.5 The Secretary-Treasurer shall be bonded through the master bond held by the CUPE National Office, and any Secretary-Treasurer not qualified for said bond shall be disqualified from office.
- 11.4.6 **The Secretary-Treasurer shall pay no request for monies (in accordance with Bylaw 8.2) unless approved by the Executive Board. All authorized requests for monies shall be paid with a cheque signed by the Secretary-Treasurer and one other executive member.**

- 11.4.7 The Secretary-Treasurer shall make all financial ledgers available for inspection by the auditor(s) and/or Trustees on reasonable notice, and have all said ledgers audited semi-annually.
- 11.4.8 The Secretary-Treasurer shall provide the Trustees with any information they may require to complete the audit report forms supplied by the CUPE National Office.
- 11.4.9 The Secretary-Treasurer shall **provide a statement** on the forms supplied by the CUPE National Office, showing the net amount of tax-deductible dues paid within the preceding calendar year **to the Executive Board, the National Representative, and the Membership at the General Membership and the Annual General Membership Meeting to be held in accordance with Bylaw 7.1.1.**
- 11.4.10 The Secretary-Treasurer shall notify all members who are one month in arrears and shall report to the Executive Board all members two or more months in arrears in payment of union dues.
- 11.4.11 The Secretary-Treasurer shall, on termination of the position of Secretary-Treasurer, immediately surrender all books, records, and other properties of the Local to the succeeding Secretary-Treasurer (Articles B.3.4 – B. 3.9).
- 11.5.1 Duties of the Secretary
- The Secretary shall keep a full, correct, and impartial account of the proceedings of meetings of the Executive Board and Membership Meetings, in a bound minute-book or file which shall be kept in the Local Office.
- 11.5.2 The Secretary shall duly record all alterations of the Bylaws enacted at a Membership Meeting **and provide the previous Membership Meeting minutes at least 7 (seven) days prior to the meeting.**
- 11.5.3 The Secretary shall answer correspondence and be responsible for proper distribution and maintenance of the records of all correspondence of the Local, and fulfill other secretarial duties as directed by the Executive Board.
- 11.5.4 The Secretary shall prepare and distribute all circulars, notices, and other information packages deemed appropriate by the Executive Board to all members of the Local.
- 11.5.5 The Secretary, in conjunction with staff, shall be responsible for the compilation and publication of the Local newspaper and/or newsletter, members' handbooks, stewards' manuals, and other such materials as are deemed necessary by the Executive Board.
- 11.5.6 The Secretary shall develop an annual publication schedule and agenda for approval by the Executive Board within one month of the Annual General Meeting or of taking office. The schedule shall normally include at least ten (10) newsletters per year.

- 11.5.7 The Secretary shall establish appropriate and binding deadlines for the submission of material for publication.
- 11.5.8 The Secretary shall make all records of the Local available for inspection by the auditor(s) and/or Trustees on reasonable notice.
- 11.5.9 The Secretary shall, on termination of the office of Secretary, immediately surrender all records, seals, and other properties of the Local to the succeeding Secretary.
- 11.6.1 Duties of Trustee
- The Trustees shall act as an auditing committee on behalf of the Local and audit the books and accounts of the Secretary-Treasurer, the Secretary, the Standing Committees, and the record of attendance semi-annually (Articles B.3.10 to B.3.12).
- 11.6.2 The Trustees shall be responsible to ensure that monies are not paid out without proper constitutional or membership authorization.
- 11.6.3 The Trustees shall inspect at least twice 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.
- 11.6.4 The Trustees shall use audit forms supplied by the National Office and send a copy of each half-yearly audit to the National Secretary-Treasurer in accordance with the provisions of the Constitution (Article B.3.11 and B. 3.12).
- 11.6.5 The Trustees shall use audit forms supplied by the National Office and send a copy of each half-yearly audit to the National Secretary-Treasurer in accordance with the provisions of the Constitution (Articles B.3.11 and B.3.12).
- 11.6.6 The Trustees **shall be members of the Elections Committee** so long as their position is not up for election and shall ensure the fair conduct of the annual general elections and any mail-in referenda.

## **ARTICLE 12 – DISCIPLINE OF EXECUTIVE MEMBERS**

- 12.1 All charges against officers or members must be made in writing and dealt with in accordance with Article B.VI of the National Constitution.**

## **ARTICLE 13 – OUT-OF-POCKET EXPENSES**

- 13.1 An expense allowance shall be provided for Officers and other members of the Local, as stipulated under Appendix I, to provide for out-of-pocket expenses said individuals may incur in the performance of their duties.
- 13.2 The maximum allowable monthly expense allowance for out-of-pocket expenses, and the terms for which said allowance may be claimed, shall be determined normally at the Annual Membership Meeting and included within Appendix I.
- 13.3 Any change to Appendix I shall be undertaken by the same manner as an amendment to the Bylaws, in accordance with Bylaw 20 and the Constitution.

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

### **14.1.1 Notice of vacant positions, nomination process and elections shall be given sixty (60) days in advance of the Annual General Meeting.**

14.1.2 Nominations for all contested officer positions shall commence one month in advance of the Annual General Meeting, and close at the adjournment of the Annual General Meeting. All candidates, nominators and those who second the nominations must be members in good standing of the local. All nominees must be present at the meeting or provide written consent to running for the election.

14.1.3 **The President, Vice-President (Social Policy), Secretary, and Treasurer shall be elected at large from among the members of both Units of the Local. The Vice-President (Unit I) and Vice-President (Unit II) shall be elected from among the members of their respective units.**

14.2 **The Elections Committee will be formed consisting of the Local's Trustees. After the nominations period has closed, each candidate may appoint a scrutineer to sit as a non-voting member of the Elections Committee. As well, the National Staff Representative may sit on this committee as an observer. The committee will ensure the fair conduct of the election and establish the date, time and polling locations for the election. Each candidate may take one (1) week to run their campaign. Each candidate may:**

- (a) Use one poster as campaign material.
- (b) Make one handbill to distribute to members.
- (c) Send out one email through the Local's email list describing their qualifications for the position they are contesting.

- 14.2.1** In the event that a Trustee runs for office, or is otherwise unavailable, the members shall elect another member of the Local from the floor by simple majority as a replacement.
- 14.2.2** During the election campaign the incumbent Executive Officers shall carry out their duties to maintain the orderly conduct of the Local until the election is concluded.
- 14.3** The election shall take place by secret ballot over one (1) day at a location(s) to be determined by the Elections Committee. If possible, advance polls may be provided to members who are unable to vote on the date of the election. Each candidate shall be allowed one (1) scrutineer (not the candidate) at the ballot count.
- 14.4** The person receiving the largest number of votes for a given position shall stand elected. The results of the balloting will be announced as soon as possible after the election. In the event of a tie vote, the presiding officer may cast the deciding vote.
- 14.5** Any protest alleging “unfair ballot” or other irregularity must be presented in writing to the Elections Committee of the local within seven (7) days of the announcement of the results of the ballot. Upon receipt of such a protest, the Elections Committee shall investigate the matter. If the protest is found to have substance, another ballot shall be conducted. All ballots and voting lists shall be held by the Elections Committee for a reasonable period of time after the election. A motion to destroy the ballots shall be in order at a membership meeting following the election.
- 14.6** Those elected to the Executive Board shall take office at the first Executive meeting following the announcement of the results. The term of an Executive Board member shall be for one (1) year.
- 14.7** Trustees shall be elected by the membership from the floor by secret ballot at the General Membership Meeting held in the fall in accordance with clause 7.1.1. At the first election of officers in a local union the Trustees shall be elected so that one shall serve for a period of three (3) years, one for two (2) years and one for one (1) year. Each year thereafter the local union shall elect one Trustee for the three (3) year period. Elected Trustees shall take office upon the adjournment of the General Membership Meeting held in accordance with clause 7.1.1.
- 14.8** The Trustees shall complete all duties assigned to them in accordance with Bylaw 11.6. If the Trustees fail to complete their duties the membership can recall them at the General Membership Meeting or the Annual Membership Meeting, so long as reasonable notice of the motion has been given. A motion to proceed with a vote to recall a trustee must be put forward by a member in good standing and approved by a majority vote in accordance with Bylaws 7.4.3 and 7.4.5. The officer in question must be given an opportunity to speak their case.

**The recall vote must be by secret ballot and shall be decided by a 2/3 majority.**

#### **ARTICLE 15 – FEES, DUES, AND ASSESSMENTS**

- 15.1.1 Each member of the Local shall pay such union dues as are determined from time to time by the Local at properly constituted Membership Meetings.
- 15.1.2 The monthly dues for members shall be two (2%) percent of earnings.
- 15.2 Any change in the level of the Initiation Fee, the Re-admittance Fee, or the Monthly Dues can be affected only by following the procedure for amendment of the Bylaw 20, with the additional provision that the vote must be conducted by secret ballot if so ordered by the membership (Articles B.4.1 and B.4.3).
- 15.3 Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, the Bylaws will be deemed to have been automatically amended to conform to the new CUPE minima.
- 15.4 Special assessments may be levied in accordance with Article B.4.2 of the Constitution.

#### **ARTICLE 16 – NON-PAYMENT OF DUES OR ASSESSMENTS**

- 16.1 Any member in arrears for a period of three months or more shall be automatically suspended from membership in the Local and the suspension shall be reported to the Executive Board by the Secretary-Treasurer. The Executive Board shall report to the next Regular Membership Meeting with a recommendation.

#### **ARTICLE 17 - DELEGATES TO CONVENTIONS AND CONFERENCES**

- 17.1 All delegates to conventions shall be chosen by **the executives.**
- 17.1.1 Any member of the local in good standing may be sent by executives as a delegate.**
- 17.2 All delegates elected to the conventions shall be paid the most economical and reasonable transportation expenses, a *per diem* allowance to be set at the Membership Meeting in which said election shall take place, and an amount equal to any loss of salary incurred, where appropriate, by attendance at the convention.
- 17.3 All delegates attending conventions must prepare and submit to the executive board a written report prior to the next Regular Membership Meeting.

- 17.4 Failure to submit a report in a timely fashion will result in the delegate's reimbursing the Local for all convention-related monies received from the Local.

## **ARTICLE 18 - COMMITTEES**

### **18.1 Each committee shall make decisions according to a simple majority vote by the committee members, including electing committee Chairs.**

#### 18.1.2 Negotiating Committee

18.1.3 The membership of a particular Unit present at a timely Membership Meeting, or present at a specially called meeting open to all members of that Unit, shall elect a Negotiating Committee for that Unit of not less than three (3) and not more than five (5) members in good standing of that Unit. It is preferable that each sector of the Local have one representative on the Committee.

18.1.4 The President shall be a member of each Negotiating Committee. At least one other Executive Board Officer who is a member of that unit shall be eligible for membership on that Unit's Negotiating Committee.

18.1.5 The Chief Negotiator for each Unit shall be selected by and from among the members of the Negotiating Committee for that Unit, and shall be the spokesperson in all negotiations for that Unit with the Employer.

18.1.6 The function of each Negotiating Committee is to prepare collective bargaining proposals for the Unit it represents, and to negotiate a collective agreement for it.

18.1.7 The CUPE National Representative assigned to the Local shall be an ex officio, non-voting member of each Negotiating Committee and shall be consulted at all stages of the negotiating process from formulating proposals, through negotiations, to contact ratification by the membership of that Unit.

#### 18.2 The Stewards' Committee

18.2.1 There shall be a Stewards' Committee consisting of a maximum of two (2) members in good standing from each academic unit of the University of Manitoba. The Secretary of the Local shall preside over the Stewards' Committee. The President and Vice-Presidents (Internal) of the Local shall sit as *ex officio*, non-voting members of the Stewards' Committee.

18.2.2 The Stewards' Committee shall be responsible for ensuring that the Administration of the University of Manitoba complies with the Collective Agreement.

- 18.2.3 The Stewards' Committee shall ensure ongoing organizing within academic units, shall ensure open communication between and among the Executive Board and members of the Local, and ensure open communication between the Local and any other organization, where appropriate.
- 18.2.4 Where necessary, the Stewards' Committee shall recommend to the Executive Board that a decision on any given matter is required, or that specific action should be taken.
- 18.2.5 The members in good standing of each academic unit shall elect their stewards to sit for one (1) year.
- 18.2.6 Each steward shall hold in strict confidence all information pertaining to any complaint or grievance of which the steward is aware. Such information shall only be revealed to the Secretary or the Stewards' Committee when in session.

### **18.3 The Gender, Ethnicity and Politics Committee**

- 18.3.1 There shall be a Gender, Ethnicity and Politics Committee consisting of members in good standing at the University of Manitoba. One Executive Board female officer may sit *ex officio* on the Gender, Ethnicity and Politics Committee.**
- 18.3.2 The Gender, Ethnicity and Politics Committee shall be responsible for ensuring that the affairs of the Local, the Administration of the University of Manitoba, and other affiliated organizations, comply with equitable gender practices, and work to eliminate bias, lack of representation, misrepresentation, and/or discrimination based on national or ethnic origin, gender, sexuality or religious practices; as provided for under the Bylaws, the Constitution, legislation, and the Canadian Charter of Rights and Freedoms.**
- 18.3.3 The Gender, Ethnicity and Politics Committee shall be a forum to discuss issues of concern to CUPE members including, but not limited to, current economic and social issues concerning gender, ethnic or national origin, sexuality, and/or religious practices which impact members' lives at work and in the home.**
- 18.3.4 Where necessary, the Gender, Ethnicity and Politics Committee shall recommend to the Executive Board that a decision on any given matter is required, or that specific action should be taken.**
- 18.3.5 Each Committee member shall hold in strict confidence all information pertaining to any complaint or grievance of which the member is aware. Such information shall only be revealed to the Chair of the Gender, Ethnicity and Politics Committee or to the entire Committee when in session.**

- 18.3.6** The Gender, Ethnicity and Politics Committee shall agitate and advocate the membership of the Local to welcome participation from under represented groups on the Executive Committee, to become Trustees, and on all other committees of the Local.
- 18.3.7** The Gender, Ethnicity and Politics Committee shall conduct a yearly review of the status of equitable representation within the Local and make recommendations based on its findings to the Executive Board.
- 18.4** The Elections Committee
- 18.4.1** Membership of the Elections Committee will consist of one (1) staff member and the two (2) trustees. Each candidate for office will be permitted to appoint one (1) scrutineer each to sit as a non-voting member of the Elections Committee. The National Staff Representative may sit as an observer to ensure that the Bylaws and Constitution are upheld.
- 18.4.2** Duties and Timelines:
- (a) The Elections Committee shall meet within seven (7) days of the AGM.
  - (b) The election shall take place no less than seven (7) days and no more than fourteen (14) days after the AGM and shall follow the guide outlined in Bylaws 13.2-13.5.
  - (c) The Elections Committee shall present the results of the election to the Executive Board and the candidates within one (1) working day of the election.
- 18.5** Special Committees
- 18.5.1** The members present at a Membership Meeting may establish a special *ad hoc* committee for a specified purpose and period such as deemed appropriate to carry out the activities of the local.
- 18.5.2** The members of a special *ad hoc* committee shall be elected at the same or another Membership Meeting or may, by specific authorization of the membership, be appointed by the President of the Local or the Executive Board. Two (2) members of the Executive Board may sit on any special committee as *ex officio* members.
- 18.5.3** All special *ad hoc* committees of the Local shall be responsible for electing their own chairs by simple majority vote to be conducted at a committee meeting, and for maintaining accurate records of their deliberations. Such records shall be kept on file at the Local office.

- 18.5.4 Special *ad hoc* committees shall have the power to recommend specific policies and activities, as provided for under the mandate established in accordance with Bylaw 17.4.1, to the Executive Board.
- 18.6 Grievance Committee
- 18.6.1 There shall be a Grievance Committee consisting of the Vice-Presidents (Internal), the National Staff Representative, and the appropriate steward(s) to examine and develop effective responses to grievances. The President may sit as an ex officio member of the Grievance Committee.
- 18.6.2 The Grievance Committee shall meet as needed to determine appropriate action and strategy on grievances. The Vice President (Internal) from the pertinent Unit and/or the National Staff Representative shall constitute a quorum of the Committee.

## **ARTICLE 19 - STRIKES**

- 19.1 Where a decision to strike has been made in accordance with Article 7.2.2 and the Bylaws, and so ordered, every member shall endeavour to support the strike in a sincere and conscientious manner.
- 19.2 Every member shall comply with the strike policy of the Local.
- 19.3 Every member shall comply with the directions and/or instructions issued by the Executive Board during the period of the strike.
- 19.4 Every member shall endeavour to participate in strike duties and activities as scheduled by the Executive Board or it's designates during the period of the strike.
- 19.5 Every member participating in strike activities shall at all times, act in accordance with the law, and shall knowingly perform no illegal act in person or in concert during the period of the strike.
- 19.6 Upon termination of the strike, the President and Secretary-Treasurer of the Local shall provide the Executive Board and membership with a complete written report on the disbursement of any monies from the strike fund.

## **ARTICLE 20 - RULES OF ORDER**

- 20.1 All proceedings of the Local, to ensure free and fair debate, shall be conducted in accordance with the basic principles of Canadian parliamentary procedure.
- 20.2 Notwithstanding Bylaw 19.1, all proceedings of the Local shall be conducted in accordance, where applicable, to Appendix A of the Constitution and the Bylaws.

- 20.3 Notwithstanding Bylaw 19.2, in situations where points of order and procedure are subject to question, *Bourinot's Rules of Order* shall be consulted and applied, subject to Bylaw 11.1.6.

## **ARTICLE 21 – AMENDMENT TO THE BYLAWS**

- 21.1 The Bylaws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a Membership Meeting following a notice of motion (Article B.7.1).
- 21.2.1 In Accordance with Article B.7.1 of the Constitution, any two members in good standing of the Local may propose an amendment to the Bylaws by submitting a written notice of motion that is signed by both members. Notice of motion for amendment to the Bylaws must contain the exact wording of the proposed amendment.
- 21.3 No change in the Bylaws shall be valid and take effect until approved by the National President of CUPE. The validity shall take effect and date from the letter of approval of the National President (Article 12.3 and B.7.1).

## **ARTICLE 22 - PRACTICE AND POLICY IN THE HANDLING OF GRIEVANCES**

- 22.1 The Executive Board shall have the final authority in submitting a grievance to arbitration. The Executive Board shall consider submitting to arbitration any grievances denied at earlier steps of the Collective Agreement's grievance procedure. If deemed necessary, the Executive Board shall arrange for and give notice to the griever and staff representative to make a submission to the Executive Board prior to the decision being made. After due process and consideration the decision of the Executive Board shall be final and not subject to further internal appeal.**

## **APPENDIX I: OUT-OF-POCKET EXPENSE GUIDELINES**

The following guidelines shall apply to out-of-pocket expense allowances until revised or rescinded:

- 1) The Executive Board shall receive a maximum of \$200.00 per month in remuneration for out-of-pocket expenses resulting from the duties required by the Bylaws.**

## APPENDIX II: HONORARIA

- 1) Executive Committee Members, **as per Article 9.1, with the exception of Trustees**, shall receive an honorarium of \$300 per month for the performance of their duties in accordance with the Bylaws.

## RULES OF ORDER

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

11. When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or member thereof.
13. If a member, while speaking, is called to order, he shall cease speaking until the point is determined; if it is decided he is in order, he may again proceed.
14. No religious discussion shall be permitted.
15. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he may in addition give a casting vote, or, if he chooses, refrain from breaking the tie, in which case the motion is lost.
17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen (15) minutes have elapsed.
21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a decision. A standing vote shall then be taken and the Secretary shall count same.
22. If any member wishes to challenge (appeal) a decision of the chair, he must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for his challenge. The Chairperson may then state briefly the basis

for his decision, following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie the chair is sustained.

23. After a question has been decided, any two (2) members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without permission of the Vice-President.
25. The Local's business, and proceedings of meetings, are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.
26. All committee and executive meetings shall be confidential and shall not be discussed outside of that committee. If found out to be divulging information outside the committee, that person shall be asked to step down from office.

## 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.

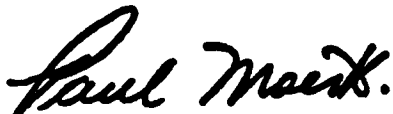
As unionists, mutual respect, cooperation and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.

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, language 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.

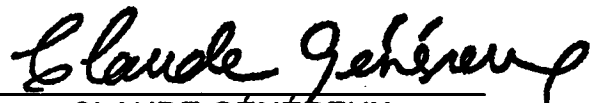
Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our union.

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.



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PAUL MOIST  
National President



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CLAUDE GÉNÉREUX  
National Secretary-Treasurer