

BYLAWS

Canadian Union of Public Employees (CUPE) Local 4816

Approved by CUPE National on: _	
Approved by CUPE Local 4816 Membership on:	

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INTRODUCTION

Local 4816 of the Canadian Union of Public Employees has been formed to:

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

The following bylaws are adopted by Local 4816 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1) to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

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

SECTION 1 – NAME

The name of this Local Union shall be the Canadian Union of Public Employees, Local 4816. This Union was certified by the British Columbia Labour Relations Board on February 6 and 17, 1998.

SECTION 2 – OBJECTIVES

The objectives of Local 4816 are to:

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

SECTION 3 – REFERENCES

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

SECTION 4 – MEMBERSHIP

(a) Membership

An individual employed within the jurisdiction of Local 4816 shall become a member of the Local by signing an application and oath as required by the Union and paying the initiation fee set out in Section 11(a) of these bylaws.

(Article B.8.1)

(b) Approval of Membership

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

(Article B.8.2)

(c) Oath of Membership

New members will take this oath:

"I promise to support and comply with the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another member of the Union."

(Article B.8.4)

(d) Continuation of Membership

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

If a member is laid off, they shall remain a member in good standing for as long as they have recall rights.

(Article B.8.3)

(e) Member Obligations

- (i) Members are obligated to abide by the CUPE National Constitution and these bylaws as amended from time to time.
- (ii) Members will provide the Communications Officer with their current address, personal telephone number and personal e-mail address. The member will advise the Communications Officer of any changes to their contact information. This information will be protected and used to communicate with members. Such communication will take the form of mail, e-mail, telephone town halls, or virtual meetings.

- (iii) The local may utilize the services of a second party to facilitate communications, in which case contact information may be shared with a service provider under contract to the Local Union to provide the technical services to support such communications.
- (iv) Upon request, the Local Union will share contact information with CUPE or CUPE BC. The purpose of sharing this contact information with CUPE National or CUPE BC is so that the National Union or Provincial Division can contact members on important matters.

SECTION 5 – AFFILIATIONS

- (a) To strengthen the labour movement and work toward common goals and objectives, Local 4816 shall be affiliated to and pay per capita tax to the following organization(s):
 - (i) The CUPE BC Provincial Division
 - (ii) The CUPE Health Care Presidents Council (HCPC)
 - (iii) CUPE Metro Vancouver District Council
 - (iv) Vancouver & District Labour Council

SECTION 6 – MEMBERSHIP MEETINGS

(a) Regular Membership Meetings

- (i) Regular membership meetings of Local 4816 shall be held on the third (3rd) Wednesday of each month at 5:30 p.m., using a secure online platform or in person when possible. Notice of each regular membership meeting outlining the date, time and location shall be given to members at least seven days in advance of the meeting.
- (ii) When a statutory holiday or a situation beyond the control of the Local Union arises which causes the cancellation of a regular membership meeting, the Executive Board will reschedule the regular membership meeting and give members seven days' notice of the rescheduled regular membership meeting date.

(b) **Special Membership Meetings**

(i) Special membership meetings of Local 4816 may be required and shall be called by the Executive Board or requested in writing by no fewer than 20 members. The President shall immediately advise members when a special meeting is called. Ensure that all members receive at least twenty-four (24) hours' notice of the special meeting, the subject(s) to be discussed, and the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called, and notice is given.

(c) Quorum

- (i) The minimum number of members required to attend the transaction of business at any regular or special meeting shall be eleven (11) members, including three (3) members of the Executive Board.
- (ii) In the event a quorum is not attained, the Executive Board shall pay all bills and shall carry out the regular business of the Union until the next meeting where quorum is achieved.

(d) Membership Meeting Agenda

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

- 1. Territorial Acknowledgement
- 2. Roll call of officers
- 3. Reading of the Equality Statement
- 4. Voting on new members and initiation
- 5. Adoption of the Minutes
- 6. Business arising from the Minutes
- 7. Secretary-Treasurer's Report
- 8. Communications Report
- 9. Executive Board Report
- 10. National Representative Report
- 11. Reports of committees and delegates
- 12. Nominations, elections, or installations
- 13. Unfinished business
- 14. New business
- Good of the Union
- 16. Adjournment

(Article B.6.1)

(e) Bargaining Unit Meetings

- (i) Bargaining Unit meetings may be called to deal with matters that affect only bargaining unit members. Such meetings will not replace regular membership meetings and will not make decisions affecting the Local Union or another bargaining unit. The President shall advise bargaining unit members seven days in advance, providing the time, location and agenda.
- (ii) The minimum number of members required to be in attendance for the transaction of business at any bargaining unit meeting shall be eight (8) bargaining unit members plus two (2) members of the Executive Board. Members from other bargaining units in the Local Union may attend these meetings without vote but with voice and are not counted as part of the quorum.

SECTION 7 – OFFICERS

(a) The Officers of Local 4816 shall be the President, Vice-President, Secretary-Treasurer, Communications Officer and three Trustees.

(Articles B.2.1 and B.2.2)

SECTION 8 – EXECUTIVE BOARD

- (a) The Executive Board shall consist of the following Officers: President, Vice-President, Communications Officer, Secretary-Treasurer, and Unit Chairs: Health Sciences Professional's Bargaining Association, Community Health Bargaining Association.
- (b) The Executive Board shall be the governing body of the Local Union between membership meetings, subject to the National Constitution, the Bylaws of this Local and policies and decisions established by the membership.

(Article B.2.2)

(c) The Executive Board shall meet at least twelve (12) times per year.

(Article B.3.14)

- (d) A majority of the Executive Board constitutes a quorum.
- (e) The Executive Board shall hold title to any real estate of the Local Union as Trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposal to a membership meeting and having it approved.
- (f) The Executive Board shall do the work delegated to it by the Local Union and shall be held responsible for the proper and effective functioning of all committees.
- (g) Should any Executive Board member fail to answer the roll call for three (3) consecutive regular meetings or three consecutive regular Executive Board meetings without submitting good reasons, their office shall be declared vacant. An election for the position shall be held at the following membership meeting.

(Article B.2.5)

SECTION 9 - DUTIES OF OFFICERS

9.1 Officers

- (a) Each Officer of Local 4816 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.
- (b) 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)

(c) All signing Officers of Local 481 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)

9.2 President

The President shall:

- (a) Enforce the CUPE National Constitution, these Local Union bylaws and the Equality Statement.
- (b) Interpret these bylaws as required.
- (c) Preside at all membership and Executive Board meetings and generally oversee the operation of the Union. They shall sign all official documents of the Union, preside at all meetings of the Local Union and preserve order.
- (d) Decide all points of order and procedure (subject always to appeal to the membership).
- (e) Have the same right to vote on all matters (except appeals against their rulings). In the case of a tie vote, the President may cast another vote or refrain from casting an additional vote, in which case the motion is defeated.
- (f) Ensure that all Officers perform their assigned duties.
- (g) Fill committee vacancies where elections are not provided for.
- (h) Introduce new members and conduct them through the initiation ceremony.
- (i) 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.
- (j) Be allowed necessary and reasonable funds to reimburse the President for expenses incurred on behalf of the Local Union, not to exceed two hundred and fifty dollars (\$250) per executive member per month. Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached. Reimbursement is subject to the approval of the Secretary-Treasurer.
- (k) Be the primary spokesperson for the Local to communicate with the media.
- (I) Appoint Sergeant-at-Arms as required.
- (m) Have first preference as a delegate to the CUPE National and Division Conventions.

(Article B.3.1)

9.3 Vice-President

The Vice-President shall:

- (a) If the President is absent or not eligible, perform all duties of the President.
- (b) Preside over membership and Executive Board meetings in the absence of the President.
- (c) If the office of the President falls vacant, be Acting President until a new President is elected through a by-election.
- (d) Be a signing officer of the Local.
- (e) Assist any member of the Executive as directed by the Executive Board.

(Article B.3.2)

9.4 Communications Officer (Recording Secretary)

The Communications Officer shall:

- (a) Keep a complete, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the entire financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports.
- (b) Ensure the local's communications are kept regular and up to date, whether it be electronic or hard copy.
- (c) Record all amendments and/or additions in the bylaws, and ensure that these are sent to the National President for approval before implementation.
- (d) Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- (e) Keep a record of all correspondence received and sent out.
- (f) Prepare and distribute all notices to members.
- (g) Be a signing officer of the Local.
- (h) Have all records ready for the Trustees or auditors on reasonable notice.
- (i) Preside over membership and Executive Board meetings in the absence of both the President and Vice-President.
- (j) Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local Union's funds.
- (k) Performs other duties required by the Local Union, its bylaws or the National Constitution.

(Article B.3.3)

9.5 Secretary-Treasurer

The Secretary-Treasurer shall:

- (a) Receive all revenue, initiation fees, dues, and assessments, keep a record of each member's payments and promptly deposit all money with a bank or credit union.
- (b) 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. Designate a signing officer during prolonged absences in consultation with the Executive Board.
- (c) 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.
- (d) Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as

- well as records and supporting documents for all income received by the Local Union.
- (e) Record all financial transactions in a manner acceptable to the Executive Board in accordance with good accounting practices.
- (f) Make a full financial report to meetings of the Local Union's Executive Board.
- (g) Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- (h) Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.
- (i) Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one other member of the Executive Board as determined by the Executive Board. No request shall be required to pay per capita fees to any organization to which the Local Union is affiliated.
- (j) Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- (k) Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- (I) Where required, not later than February 28th each year, furnish each member, on the forms supplied by CUPE National, with a statement showing the net amount of tax-deductible dues paid by them during the preceding calendar year.
- (m) Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds.
- (n) Notify all members who are one (1) month in arrears and report to the Executive Board all members two (2) or more months in arrears in the payment of union dues.

(Articles B.3.4 to B.3.8)

9.6 Unit Chair (CBA/HSPBA)

The Unit Chair shall:

- (a) Consult with the President and Executive Board on issues in the workplace.
- (b) Ensure that work unit meetings are held no less than three (3) times per year in all major work units and report back to the Executive Board with any recommendations decided at the unit meeting.
- (c) Be a member of the Grievance Committee for their respective Bargaining Unit.
- (d) Provide communications and information from the members in the Unit to the President and the Executive Board and from the President and the Executive Board to the members, including but not limited to, the distribution of literature, publications, and postings of notices.

- (e) Greet new members in the Unit and encourage the participation of all members of the Unit in Union activities.
- (f) Maintain regular contact with the members to provide ongoing Union awareness and education.
- (g) Support the Steward(s) and Occupational Health and Safety (OHS) representatives in their unit and ensure that steward and OHS vacancies are filled.
- (h) Conduct on-the-job canvass, polling of members, and/or other such activities as may be initiated by the Local, CUPE National, CUPE BC Division, or other affiliated bodies.
- (i) Perform such other duties as may be assigned by the Executive Board from time to time.

9.7 Trustees

The Trustees shall:

- (a) Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the committees at least once every calendar year.
- (b) Make a written report of their findings to the first membership meeting following the completion of each audit.
- (c) 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.
- (d) Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
- (e) Ensure that proper financial reports have been given to the membership.
- (f) Audit the record of attendance.
- (g) Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local Union, and report their findings to the membership.
- (h) Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
 - (i) Completed Trustee Audit Program
 - (ii) Completed Trustees' Report
 - (iii) Secretary-Treasurer Report to the Trustees
 - (iv) Recommendations made to the President and Secretary-Treasurer of the Local Union
 - (v) Secretary-Treasurer's response to recommendations

(vi) Concerns that have not been addressed by the Local Union Executive Board.

(Articles B.3.10 to B.3.12)

SECTION 10 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

(a) Nominations

- (i) Nominations will be received at the regular membership meeting held in the month of September.
- (ii) Nominations will be accepted from members in attendance at the nomination meeting or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member.
- (iii) To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing.

(Articles B.8.1, B.8.2 and B.8.3)

- (iv) A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time.
- (v) Only members covered by the CBA or HSPBA Collective Agreements are eligible to hold the Unit Chair position for their respective unit.
- (vi) No member will be eligible for nomination if they are in arrears of dues and/or assessments.

(b) Elections

- (i) The President and Communications Officer, Unit Chair (CBA) are elected for two-year terms in even years. The Vice-President, Secretary-Treasurer and Unit Chair (HSPBA) are elected for two-year terms in odd years.
- (ii) The terms of office for Trustees shall be so that one serves for a period of three years, one for two years, and one for one year, as laid down in Article B.2.4 of the CUPE National Constitution. Each year thereafter, the Local Union shall elect one Trustee for a three-year period. No member who has been a signing Officer for the Local Union is eligible to run for Trustee, until at least one full term of office has elapsed.
- (iii) At a membership meeting, at least one month prior to Election Day, the President will, subject to the approval of the members present, appoint an Elections Committee consisting of a Returning Officer and assistant(s). The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential. The National Representative assigned to the Local Union shall serve as an advisor to the committee when requested by the Local Union.

(iv)	Elections shall be conducted electronically by secret ballot. The Executive Board shall arrange for one or more voting stations and polls shall be open for at least five (5) working days.

- (v) The Election Committee shall supervise the election, review the report of the electronic ballots cast and declare the elected candidate(s) in each contest who receive 50% + 1 (one) of votes cast. The report of the Election Committee shall be signed by all members of the Committee and shall be reported at the next membership meeting by the Returning Officer. Those declared elected shall take the oath of office as set out in Article 11.6(b) of the National Constitution and their term of office shall commence upon adjournment of that membership meeting.
- (vi) The online polls will open at least seven days prior to the November Membership Meeting and remain open until midnight on the day preceding the November Membership Meeting.
- (vii) The Executive shall arrange adequate notice to the membership at least seven(7) days prior to the voting day, with all pertinent information pertaining to the election.
- (viii) The results, including notice for runoff votes (if any) shall be announced at the November Membership Meeting, posted on the Local union's website, and sent via email to all members who have provided email addresses.
- (ix) 50% + 1 (one) of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will be taken if necessary to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot will be dropped.
- (x) In the event runoff votes are required, the online polls will reopen at 12:01 a.m. on the Monday following the November Membership Meeting and remain open until 10:00 a.m. the following Friday. The results will then be posted on the union's website and sent via email to all members who have provided email addresses. Should subsequent run-off votes be required, the online polls will reopen the following Monday(s) at 12:01 a.m. and remain open until 10:00 a.m. of the following Friday(s). In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected.
- (xi) The President, Vice-President, Communications Officer, Secretary-Treasurer, and Trustees shall be voted for by the entire membership.
- (xii) Candidates for the position of Unit Chair are only eligible to run for the unit in which they are employed. If, after being elected to office, the member relocates to a new unit for more than three months, their position will be considered vacant. Only members of a unit, as defined in Section 9.6, may vote for the Unit Chair from their unit.
- (xiii) The Returning Officer shall have the authority to investigate and rule upon any election complaints. Should a candidate request a review of the results of the Election, the Returning Officer shall conduct this process with the assistance of the CUPE National Representative or a CUPE designate.

(d) Installation of Officers

(i) All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) year(s) or until a successor has been elected and installed, provided, however, that no term of office shall be less than one year and no longer than three years.

(Article B.2.4)

(ii) The Oath of Office to be read by the newly-elected Officers is:

"I, _______, promise to perform the duties of my office, as set out in the Constitution and laws of the Canadian Union of Public Employees, faithfully and to the best of my ability for my term of office. As an Officer of the Union, I will always promote the harmony and dignity of its sessions by counsel and example. I also promise to turn over all property of the Union to my successor at the end of my term."

(Article 11.6(b))

(e) By-elections

(i) Should an office fall vacant for any reason, with the exception of 10 (b) (xii), the resulting by-election should be conducted as closely as possible in conformity with this section. The term of office for any position filled through a by-election will be the term that the vacated position was initially elected to fulfill.

SECTION 11 – FEES, DUES AND ASSESSMENTS

(a) Initiation Fee

(i) Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local Union and the Canadian Union of Public Employees. Each application for membership in the Local Union will be directed to the Secretary-Treasurer and will 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 and B.8.2)

Readmission Fee

(i) The readmission fee shall be one dollar (\$1.00).

(Article B.4.1)

Monthly Dues

(i) The monthly dues shall be two percent (2%) of gross salary.

(Article B.4.3)

(b) Amending Monthly Dues

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

(Article B.4.3)

(c) Assessments

(i) Assessments may be levied in accordance with the CUPE Constitution.

Assessments do not mean or include regular monthly dues and are applied for a specific purpose or specific length of time. Membership approval is required and the assessment will only be applied after the National President approves the assessment.

(Article B.4.2)

SECTION 12 – NON-PAYMENT OF DUES AND ASSESSMENTS

- (a) A member who fails to pay dues and assessments for three months is automatically suspended from membership. The suspension will be reported to the Executive Board by the Secretary-Treasurer. The Executive Board will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying a readmission fee and any other penalty set by the Local Union. The readmission fee cannot be less than the initiation fee of the Local Union.
- (b) A member who has been unemployed or unable to work because of sickness shall pay the readmission fee but may not be required to pay arrears.

(Article B.8.6)

SECTION 13 – EXPENDITURES

(a) Payment of Local Union Funds

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

- (i) When the expenditure is authorized by a budget approved by a majority of members present and voting at a regular or special membership meeting;
- (ii) When these bylaws approve the expenditure; or
- (iii) 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 BC 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 \$100, 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 4816 will be allowed to spend any Local Union funds without first having received authorization under Section 13(a) of these bylaws.

SECTION 14 – HONORARIUMS AND OUT-OF-POCKET EXPENSES

(a) Local Union Officers and committee members shall be provided honorarium(s) an out-of-pocket expense allowance as follows:

President Three hundred dollars (\$300.00) per year
Vice—President Two hundred dollars (\$200.00) per year
Communications Two hundred dollars (\$200.00) per year
Treasurer Two hundred dollars (\$200.00) per year
Unit Chairs One hundred dollars (\$100.00) per year

Trustees Fifty dollars (\$50) per audit

- (b) Per Diem and expenses incurred on behalf of CUPE Local 4816 shall be paid consistent with the rates and process outlined in the current CUPE BC Expense Policy, as appended to these Bylaws at Appendix "D".
- (c) Table officers will receive one-hundred dollars (\$100) per month for reimbursement of cellular phone costs.
- (d) Unit Chairs will receive fifty dollars (\$50) per month for reimbursement of cellular phone costs.

SECTION 15 – CHANGES IN WAGES AND CONDITIONS

- (a) All proposed changes in the Collective Agreement(s) covering wages or working conditions, arising out of contract negotiations, must be given at least seven (7) days notice. All voting on wage schedules shall be by secret ballot and shall be conducted electronically. Ratification of a Tentative Agreement shall be conducted pursuant to the relevant Bargaining Unit Articles of Association. If a Local specific ratification vote is required these terms apply.
- (b) A meeting(s) to discuss changes to the Collective Agreement(s) shall be held at such times as may be deemed advisable by the Executive Board for the purpose of providing information and recommendations to the membership.

(c) Signatures of at least two (2) of the signing officers of the Local, or at least one (1) signing officer and a CUPE National Representative, is required on any agreement or understanding that arises from the Collective Agreement(s) or that could affect the interpretation application and/or administration of the Collective Agreement(s). This requirement shall be communicated to the appropriate Employer representative(s).

SECTION 16 – CHILD CARE, DEPENDENT CARE AND ELDER CARE

Caring for children, dependents or the elderly are barriers to actively participating in the union or to attending membership meetings. Local 4816 is committed to removing barriers within its control so that all members have equal access to participation.

- (a) Any member who is on authorized Local 4816 business shall be eligible for child care, dependent care, and/or elder care expenses where required. Upon proof of payment, claims shall be reimbursed per the CUPE BC Expense Policy.
- (b) Claims will not be paid for a spouse, partner, or a family member who normally provides care without charges. Claims will not be paid for periods of time where a member would normally have paid for care, such as during normal hours of work at their job.

SECTION 17 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS

- (a) Except for the President's option [Section 9 (a)], all delegates to conventions, conferences, and education shall be appointed by the Executive Board.
- (b) Delegates to the Vancouver CUPE Metro District Council shall be appointed by the Executive Board annually. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall make present a verbal report at each Local Union membership meeting on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages.
- (c) Delegates to other Committees or Labour Councils shall be appointed by the Executive Board annually. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall report at each Local Union membership on proceedings at recent meetings of the Committee or Council. The Local Union will reimburse the member's employer for any loss of wages associated with attendance of such meetings.
- (d) Members wishing to attend conferences, education, and conventions will submit their names and contact information to the Executive Board stating their reasons for wanting to attend said events and how it will benefit the Local. The Executive Board or a committee of such shall review these applications, and their decision shall be based on the following criteria:

(e)

- (i) The member's participation in union affairs, including executive board membership, stewarding and committee activity.
- (ii) The nature of the event (eg. OH & S conferences should be attended by active members of OH & S committees)
- (iii) Where more than one member is attending, the delegation should reflect the diversity of the local with regard to work units, gender, race and ethnicity, young workers and other equity-seeking groups.
- (iv) Consideration will be given encouraging new and/or newly active members.
- (f) Members sent to conferences and/or conventions are expected to be available and to attend all sessions of the event.
- (g) Members are also expected to submit an oral and/or written report to the Local 4816 Membership Meeting and/or the Executive Board or appropriate committee.
- (h) Once a selection has been made, the member will be notified, and selections will be announced to the general membership at the next monthly membership meeting.
- (i) All delegates attending conventions, conferences, or education shall be paid transportation expenses as determined by the Secretary-Treasurer, which shall be the most convenient and economical means with the maximum mileage not to exceed airfare, and a per diem allowance for meals and expenses in line with the CUPE BC Expense Policy. The Local Union will reimburse the member's employer for any loss of wages.
- (j) Local 4816 will provide members with their per diem allowance prior to their attending the convention, conference, or education.
- (k) Local 4816 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and education.

SECTION 18 - COMMITTEES

18.1 <u>Negotiating Committee</u>

- (a) The Health Care Presidents Council shall hold a bargaining conference within six months of the expiry of the collective agreements for the purpose of ratifying proposals for submission to the Associations' Negotiating Committee for its consideration and to elect representatives to the Associations' Negotiating Committee.
- (b) The Executive Board will appoint delegates to the bargaining conference.
- (c) Conference approval of the proposed amendments to the collective agreements require a simple majority of the delegates from that sector voting in favour plus a majority of the delegates voting in favour from two locals.
- (d) Delegates to the conference shall elect two bargaining representatives and one alternate for HSPBA bargaining and two bargaining representatives and one alternate for CBA bargaining.

- (e) Election of the bargaining representatives shall be from amongst the eligible delegates attending the conference. A delegate who is unable to attend the conference is eligible to be nominated and hold office if their local has submitted, in writing, confirmation that they are eligible and they have submitted to the convention, in writing, that they will let their name stand for office, if nominated. Voting shall be by secret ballot, and to be declared elected a nominee must receive 50% plus one of the valid ballots cast.
- (f) The National Representative assigned as the CUPE Health Sector Coordinator shall be a member of both Associations' Negotiating Committees and shall attend all negotiating sessions and related meetings.
- (g) The official CUPE contact person for the Health Associations and the HEABC shall be the CUPE Health Sector Coordinator.
- (h) If the Local requires the election of a non-HCPC Bargaining Committee, a notice of nominations will be given at the membership meeting the month before the election will take place.
- (i) The election of a non-HCPC Bargaining Committee should conducted six (6) months prior to the expiry of the applicable collective agreement.
- (j) When more than one candidate is to be elected to the committee, the members voting shall be required to vote for the full number of candidates to be elected or else the ballot will be declared spoiled.
- (k) The candidate(s) who receive the most votes will be elected to fill the position(s) identified on the committee.
- (I) The committee's members will be elected by electronic ballot.
- (m) Temporary vacancies will be filled by alternates. Permanent Vacancies will be filled by election as soon as feasible.
- (n) All bargaining committee members shall make every effort to attend collective bargaining training as required by the Executive Board.

18.2 **Standing Committees**

Permanent committees' members will have a term of two years. The Executive Board will, with the approval of the membership, appoint members to serve on a committee. Committees will provide reports to the Executive Board following each meeting and will report to the membership at the request of the Executive Board. The President will be ex officio on all Committees.

18.3 Bylaw Committee

The committee members will be the Communications Officer (Chair) and two (2) members. The committee shall appoint its secretary from among its members. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted during the review process.

This committee will:

- (i) Review the bylaws annually and make recommendations to the Executive Board on proposed amendments.
- (ii) Review any proposed amendments received from the Executive Board or membership of the Local Union to ensure that the amendments will conform to the remainder of the bylaws and the CUPE National Constitution.
- (iii) Ensure that the Local Union's bylaws are written in clear language, ensuring that clear language does not change the intent or meaning of the bylaws.

18.3 Grievance Committee

- (a) The Grievance committee will be chaired by the Vice-President and include two stewards appointed by the Executive Board. The Recording Secretary will attend committee meetings to maintain a record of grievance committee discussions. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.
- (b) This committee will:
 - (i) Oversee any member disputes related to filing or advancing local grievances.

(c) Grievance Committee Procedure

- (i) When a member disagrees with a recommendation to withdraw a grievance or accept a resolve offer, a grievance committee meeting will be scheduled.
- (ii) The member will have the opportunity to meet with the grievance committee and explain their position.
- (iii) The President will secure necessary extensions to the grievance timelines to cover the appeal period.
- (iv) In consultation with the National Representative, the committee may request a legal opinion if they feel it is necessary.
- (v) The grievance committee shall hold all information communicated to it in strict confidentiality.
- (vi) The decision of the grievance committee will be provided to the member within seven (7) days following the meeting. Information on appealing the grievance committee decision will also be provided to the member.

(d) Appeals – Executive Board

- (i) The Executive Board will review decisions of the grievance committee only in the event that it is alleged that the committee has conducted itself in a way which is arbitrary, discriminatory or in bad faith. The member must submit their reasons for such a review to the Local President or designate, in writing, within seven (7) calendar days of the grievance committee communicating their decision to the member.
- (ii) The Executive Board will meet with the affected member, the relevant Steward, and the National Representative to review the appeal.
- (iii) The Executive Board will render their decision within fourteen (14) calendar days of the appeal meeting, advising the member of their decision. This decision will be final and binding.

18.4 Health and Safety Committee

Members of this Committee will be appointed from the Joint Occupational Health and Safety Committees by the Executive Board.

This committee will:

- (i) Work to educate members on the importance of workplace health and safety.
- (ii) Participate in the Joint Occupational Health and Safety Committees (JOHSC) at their workplace.
- (iii) Ensure that the worker representatives on the JOHSC meet separately from the employer to prepare for meetings.
- (iv) Promote safe work procedures and environments to prevent illness and injury as a result of workplace factors.
- (v) Ensure that the employer is adhering to the relevant health and safety articles in the collective agreements and all relevant legislation.

18.5 Special Committees

A special committee may be established for a specified purpose and a specified period of time by the membership at a meeting. The members shall be elected at a membership meeting, or may, by specific authorization of the membership, be appointed by the President or the Executive Board, with the exception of the Negotiating Committee. The Chairperson will be elected by the members of the committee. Two members of the Executive Board may sit on any special committee as ex-officio members.

SECTION 19 – COMPLAINTS AND TRIALS

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

(Articles B.11.1 to B.11.5)

SECTION 20 – RULES OF ORDER

- (a) All meetings of the Local Union will be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these bylaws as Appendix C. These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.
- (b) In situations not covered by Appendix C to these bylaws, the CUPE National Constitution may provide guidance. If they do not, <u>Bourinot's Rules of Order</u> shall be consulted and applied.

SECTION 21 – AMENDMENTS

(a) **CUPE Constitution**

These bylaws are always subordinate to the CUPE Constitution (including Appendix B) as it now exists or may be amended from time to time, and in the event of any conflict between these bylaws and the CUPE Constitution, the latter shall govern. The National President has the sole authority to interpret the CUPE Constitution.

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

(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 or 60 days before in writing.

(Articles 13.3 and 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 and B.5.1)

SECTION 22 – PRINTING AND DISTRIBUTION OF BYLAWS

Members will receive a copy of Local 4816 bylaws, via the Local Union website at https://4816.cupe.ca. Members with special needs may request a copy of the bylaws in larger font.

APPENDIX "A"

CUPE NATIONAL EQUALITY STATEMENT

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

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

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

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

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

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

APPENDIX "B"

CODE OF CONDUCT

- (a) Local 4816 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.
- (b) Local 4816 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.
- (c) Local 4816 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 4816 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 4816 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.
- (d) This Code of Conduct for Local 4816 sets out standards of behaviour for members at meetings, and all other events organized by Local 4816. 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.
- (e) As members of Local 4816 we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:
 - (i) Abide by the provisions of the Equality Statement;
 - (ii) Respect the views of others, even when we disagree;
 - (iii) Recognize and value individual differences;
 - (iv) Communicate openly;
 - (v) Support and encourage each other;
 - (vi) Make sure that we do not harass or discriminate against each other;
 - (vii) Commit to not engaging in offensive comment or conduct;
 - (viii) Make sure that we do not act in ways that are aggressive, bullying, or intimidating; and
 - (ix) Take responsibility for not engaging in inappropriate behaviour due to abuse of alcohol or other drugs while participating in union activities, including social events.

- (f) 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.
- (g) A complaint regarding this Code of Conduct will be handled as follows:
 - (i) 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.
 - (ii) Once a complaint is received, a designated Officer of the Local Union will work to seek a resolution.
 - (iii) 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.
- (h) 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 4816, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.
- (i) 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

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

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

- 25. 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.

APPENDIX "D"

CUPE BC EXPENSE POLICY

Effective June 1, 2021

1. PREAMBLE

The purpose of this expense policy is to reimburse members for expenses incurred on behalf of CUPE BC. This policy shall be reviewed annually by the Trustees. Expense claim forms must be submitted within 6 months of when the expense(s) were incurred. The Secretary Treasurer is authorized to approve expense claims past the 6 months for extraordinary circumstances.

2. WAGES

Lost wages for regularly scheduled hours of work shall be repaid at cost directly to the Local Union only. Wage loss will not be paid directly to individuals.

3. ACCOMMODATION

If accommodations are required, they must be booked through the CUPE BC office. Members are entitled to a single room, however if members choose to share a room, this should be clarified with the CUPE BC office when booking the room. Where possible all room, taxes and parking will be billed directly to CUPE BC.

4. DEPENDANT CARE

If required, dependant care will be paid outside of regular working hours at the rate of up to \$20.00/hour to a maximum of \$300.00/day (which includes travel time) upon completion of the CUPE BC Dependant Care Expense Claim form.

5. TRANSPORTATION

To be the most convenient and economical means with the maximum kilometres not to exceed airfare. Airfare where required (economy class) must be booked through WE Travel.

- (a) Automobile allowance 59¢ km.
- (b) Parking cost when on CUPE BC business (receipt must be provided).
- (c) Taxi or airport shuttle from airport to hotel to meeting place upon submission of receipts. Taxis to be shared when possible.
- (d) Where ferry travel is required, only land kilometres will be reimbursed (as well as ferry fares with submitted receipts). (Note: some distance calculators include the kilometres the ferry travels over the water, those kilometres should be deducted from the claim.)

(e) If you are not claiming for parking (excluding hotel parking where you are staying), taxi or mileage the day of your meeting you can claim a one-day transit honorarium equivalent to the cost of an All Day Transit pass if you are using the public transit system to attend the meeting.

6. PER DIEM

- (a) \$43.00 per half day meeting (when no meals provided).
- (b) \$86.00 per day for an all-day meeting (when no meals provided).
- (c) \$43.00 for half-day of incoming travel to next day meeting or return travel day, next day after meeting.
- (d) \$86.00 for full day travel to and from meetings.
- (e) \$43.00 for evening meetings requiring meals (unless already receiving \$86.00 full day per diem).
- (f) Where members are booked off for special projects (e.g. Zone coordinators, Campaign Workers, etc.), the full-time officers per diem policy will apply.

7. INCIDENTALS

- (a) \$17.00 for in person meetings where all expenses (meals) are included.
- (b) \$17.00 for video conferencing meetings scheduled for four (4) hours or more.

11. RECEIPTED EXPENSES

Where receipted expenses are being submitted, a credit card/debit slip will not be accepted on its own. An itemized receipt from the agency must also be included (e.g. hotels, BC Ferries, etc.) If no receipt is available due to special circumstances, a declaration providing an explanation may be accepted, signed by the member and authorized by the Secretary Treasurer. These declarations may be reviewed by the Trustees.

APPENDIX "E"

POLICY AND PROCEDURES

The Local Executive may adopt such other policies and/or practices as they feel are necessary, so long as they are not inconsistent with the provisions of the Bylaws and the National Constitution. Such policies and/or practices shall be presented to the membership for approval by a simple majority. A copy of such policies and/or practices shall be attached to these Bylaws as "Executive Policies and Practices"; however, they shall not form part of these Bylaws, and may be amended or rescinded by a simple majority vote of the membership.