



**Edmonton General Health Centre  
Grey Nuns Hospital & Community Health Centre**

# **BYLAWS**

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## YOU ARE THE UNION!

A few DO'S and DON'TS calculated to test the sincerity of we, the UNION:

- Be familiar with the Constitution.
- Be familiar with the bylaws.
- Be familiar with the Collective Agreement.  
  
Attend as many meetings as possible to stay informed and have valuable input on decisions.
- Be acquainted with the Steward for your department.
- Gain a clear understanding of the difference between a valid grievance and a complaint—regardless of whether the complaint is minor or meaningful.
- Understand the order of business to follow ~~it~~ when attending meetings (when in doubt ask the guidance of the Chair).
- Consider and understand what you are voting for before you cast your vote.
- Instead of saying “why doesn’t the Union...?” consider saying “why don’t we...?”
- Consider your Steward as a resource first.
- When things are not to your liking, consider what you could do and be empowered to make any potential changes.
- Consider the importance of your Union.
- Bring forward issues & concerns that impact you to the General Meeting. Your voice matters!
- These bylaws are important to be familiar with and can be found on your Local’s website or at your Local’s office.

## **PREAMBLE**

Local 41 of the Canadian Union of Public Employees has been formed to:

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

The following Bylaws are adopted by Local 41 in accordance with CUPE National Constitution (Articles XII and B.V), 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 and Land Acknowledgement to all the chartered organizations' activities. The CUPE National Equality Statement and Land Acknowledgement can be found in Appendices B and D in these Bylaws.

## **SECTION 1 – NAME**

- (a) The name of this Local Union shall be: Canadian Union of Public Employees, Local 41.
- (b) Local 41 shall be composed of Alberta Healthcare Support workers and any other members who may affiliate with or join Local No. 41.

## **SECTION 2 – OBJECTIVES**

The objectives of the Local are to:

- (a) secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- (b) support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- (c) provide an opportunity for its members to influence and shape their future through free democratic trade unionism; and

- (d) encourage the settlement by negotiation and mediation of all disputes between the members and their employer's.

### **SECTION 3 – MEMBERSHIP**

- (a) **Membership:** An individual employed within the jurisdiction of Local 41 can apply for membership in Local 41 by completing a membership application.
- (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.
- (c) **Member Obligations:** Members will provide the Local with their current address, telephone contact number and, where available, a personal email address. The member will advise the Local of any changes to their contact information. This information will be protected and used to communicate with members. Such communication may take the form of mail, email, texts, town halls and events.
- (d) When a death happens in a member's family, the Union sends a bereavement card.
- (e) When a death happens to a member, the Union shall send flowers or a donation up to \$100.00.

### **SECTION 4 – AFFILIATIONS**

In order to strengthen the labour movement and work toward common goals and objectives, Local 41 may, upon membership approval, be affiliated to and pay an affiliation fee to the following organizations:

- The CUPE Alberta Provincial Division
- The Edmonton District Labour Council (EDLC)
- Alberta Healthcare Employees Committee (AHEC)
- Friends of Medicare

## **SECTION 5 – MEMBERSHIP MEETINGS - REGULAR AND SPECIAL**

- (a) Regular membership meetings are held at the Edmonton General and Grey Nuns Sites and will be held every month at alternating sites commencing on the third (3<sup>rd</sup>) Tuesday at 3:00 p.m. If a statutory holiday intervenes the Executive Board shall give a week's notice of any change in the date of the regular meeting.
- (b) No regular meetings will be held in the months of July, August and December.
- (c) Special membership meetings may be ordered by the President, the Executive Board or requested in writing by no fewer than 15 members. The purpose for which the meeting is called must accompany the request. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least twenty-four (24) hours' notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called, and notice given.
- (d) A quorum for the transaction of business at any regular or special meeting shall be ten (10) members, including at least three (3) members of the Executive Board.
- (e) The order of business at regular membership meetings is as follows:
  - 1. Acknowledgement of Indigenous Territory
  - 2. Roll Call of Officers
  - 3. Reading of the Equality Statement
  - 4. Voting on new members and initiation
  - 5. Reading of the Minutes
  - 6. Matter arising from the minutes
  - 7. Treasurer's Report
  - 8. Communications and Bills
  - 9. Executive Board Report
  - 10. Reports of Committees and Delegates
  - 11. Nominations, Elections, or Installations

12. Unfinished Business

13. New Business

14. Good of the Union

15. Adjournment

- (f) In Person, Hybrid or Virtual Meetings: The Local Union may hold Membership Meetings in person and/or virtually. Where virtual meetings are held, all voting will be conducted electronically provided secrecy can be maintained, where mandated.

(Article B.6.1)

## **SECTION 6 – VOTING OF FUNDS**

- (a) Local 41 will pay out funds under the following circumstances:
1. When the expenditure has received prior authorization through a membership approved budget.
  2. When the bylaws approve the expenditure; or
  3. Through a vote of the majority of members at a membership meeting.
- (b) No authorization is required to remit per capita tax to CUPE National, the CUPE Alberta Division affiliation fee, or any affiliation fee payable to a labour organization with which the local union is affiliated.
- (c) No member of Local 41 will be allowed to spend any Local Union funds without first having received authorization under Section 6(a) of these bylaws.
- (d) All orders written on the Treasury shall require two (2) signatures; the signature of the President, Secretary-Treasurer or Site Vice President(s).
- (e) No other money shall be paid from the Local Union Treasury unless approved by a majority at a regular meeting of the Local, except that the Local Union Executive Board may approve an authorization to pay routine bills which regularly occur in routine operations of the Local's business.
- (f) The maximum that may be donated to any one society, charity by the Local Union in a given year shall be \$1000.00. This restriction shall not apply to donations or assistance given to other Trade Unions in times of need, however, Notice of Motion must be given in writing and dealt with at the following membership meeting.

## **SECTION 7 – OFFICERS**

The Officers of the Local shall be as follows:

- (a) The Officers of the Local shall be the President, representing both sites; two Site Vice-Presidents, one from each site; Secretary-Treasurer; Recording Secretary; Three Trustees, one for a three-year term, one for a two-year term and one for a one-year term. Each year thereafter the local union shall elect one Trustee for a three-year period. Any member in good standing as set out in Article B.8.3 of the CUPE Constitution, can run for and hold office in the Local Union. The Local Union can also elect or employ a Business Agent.  
(Articles B.2.1 & B.2.2 & B.2.4)
- (b) The Table Officers shall consist of President, Vice-Presidents, Secretary-Treasurer and Recording Secretary.
- (c) The signing officers shall be President, Secretary-Treasurer and Site Vice-Presidents.  
(Articles XII-12.5; B.3.5)

## **SECTION 8 – EXECUTIVE BOARD**

- (a) The Executive Board shall comprise all Officers, except Trustees.  
(Article B.2.2)
- (b) The Executive Board shall meet the second Tuesday of the month and at least eight (8) times per year.  
(Article B.3.14)
- (c) A majority of the Executive Board constitutes a quorum.
- (d) The Executive Officers shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- (e) The Board shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.
- (f) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution.

- (g) If an officer fails to attend three consecutive Membership Meetings or three consecutive Executive Board Meetings without good and sufficient reason, their office will be declared vacant and filled at the next meeting. (Article B.2.5)
- (h) The Executive Board has the authority to act for the Local Union membership between meetings.
- (i) The Executive Board shall report at each regular membership meeting all its decisions and actions.
- (j) The Executive Board shall make decisions, including planning and hosting, on all social events for the Local. All decisions must be within the approved budget of the Local or approved by motion at a regular membership meeting.

## **SECTION 9 – DUTIES OF OFFICERS**

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

All signing Officers of Local 41 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 VIII; 8.3 (j), (k); Article XII 12.5; Article BIII 3.5)

- (a) The **President** shall:
- Enforce the CUPE National Constitution and these Bylaws;
  - Chair at all Membership and Executive Board meetings and preserve order;
  - Decide all points of order and procedure (subject always to appeal to the Membership);
  - Have a vote on all matters (except appeals against their rulings) and in case of a tie vote in any matter, the President will call for a second vote;
  - Ensure that all officers perform their assigned duties;
  - Fill committee vacancies where elections are not provided for;
  - Have a full-time book-off in the Union office at the elected member's basic rate of pay with the Employer plus premiums as applicable;

- Prepare reports to be submitted first to the Executive Board, with a copy to the National Representative, and then to a membership meeting.
- Sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, Bylaws, or vote of the Membership;
- Have first preference as a delegate to Conventions;
- Be a member of the negotiating committee.

(Article B.3.1)

(b) The **Site Vice-Presidents** shall:

- Generally, assist the President in the performance of the President's duties and perform such duties as the President shall from time to time determine;
- If the President is absent or not eligible, perform all duties of the President.
- Chair Membership and Executive Board meetings in the absence of the President.
- If the office of the President falls vacant, be Acting President until a new President is elected through a by-election.
- Be a member of the Grievance Committee
- Render assistance to any member of the Executive as directed by the Executive Board.
- Attend meetings of their Local Site and Local Union whenever reasonably possible and requested to do so;
- Guard the inner door at membership meetings at their Local Site and admit no one but members in good standing or officers and officials of CUPE, except on the order of the President and by consent of the members present;
- Give a written report at each Executive and General Meeting of their Local Site;
- Have first preference at their site as delegate to Conventions;
- Be a signing officer;

- Assist in investigating potential grievances at their site as required;
- Prepare reports to be submitted first to the Executive Board, with a copy to the National Representative, and then to a Membership Meeting.
- Be Chairperson of the Steward/Communicator Meetings at their Local Site.
- Meet, welcome and sign-up new employees to become members of the Union.
- Encourage members to participate in Union activities.
- At the first Executive meeting after the Site Vice President elections, the Executive shall determine which Vice President will be designated as the First Vice President. In the absence of the President, the First Vice President shall discharge the duties of the President. If the office of President becomes vacant, the First Vice President will become the acting President until a new President is elected.
- Each Vice President will be booked off at their basic rate of pay with the Employer plus premiums where applicable, for two full days per week or as required to assist with Union workload and activities.

(Article B.3.2)

(c) The **Recording Secretary** shall:

- Keep full, accurate and impartial account of the proceedings of all regular or special membership and Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports.
- Record all alterations in the Bylaws;
- Hold the role of Privacy Officer to the Local.
- Answer correspondence and fulfil other secretarial duties as directed by the Board;
- File a copy of all letters sent out and keep on file all communications;
- Prepare and distribute all circulars and notices to members;
- Have all records ready on reasonable notice for auditors and Trustees;

- Preside over membership and Board meetings in the absence of the President and Site Vice President;
- Maintain the record of membership attendance at meetings;
- In conjunction with the President, prepare meeting Agendas.
- File a copy of the Meeting Minutes with the President (or designate) within 10 days of the meeting.
- Create and distribute communication to members as requested or required.

(Article B.3.3)

(d) The **Secretary-Treasurer** shall:

- Hold signing authority of all accounts;
- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.

(Article B.3.4 to B.3.8)

- Receive all revenue, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union.
- Prepare all CUPE National per capita tax forms and remit payment.
- Throughout his/her term, and on behalf of the Local Union membership be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipts for all money sent to CUPE headquarters, as well as records and supporting documents for all income received by the Local Union;
- Record all financial transactions in a manner acceptable to the Board and in accordance with good accounting practices;
- Make a full financial report to meetings of the Local's Executive Board, as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period;
- Be bonded through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office; a current criminal record check must be submitted to the Executive Board for verification of bondability prior to the new Secretary-

Treasurer taking office. The Local will pay the cost of the criminal record check;

- Pay no money unless supported by a voucher duly signed by the President and the individual submitting the voucher or the Secretary-Treasurer, except that no voucher shall be required for payment of per capita fees to any organization to which the Local is affiliated;
- Make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited at least once each year and within reasonable time, respond in writing to any recommendations and concerns raised by the Trustees;
- Provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE;
- The Secretary-Treasurer will be booked off one day per month at their basic rate of pay with the Employer plus premiums as applicable to perform the duties of the position.

(Articles B.3.4 to B.3.8)

(e) The **Trustees** shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, Recording Secretary and the Standing Committees at least once every calendar year;
  - Make a written report of their findings to the first membership meeting at each Local Site following the completion of each audit;
- (Articles B.3.10 to B.3.12)
- Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
  - Ensure that proper financial reports are made to the membership;
  - 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;
  - 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, and report their findings to the membership;

- Use audit forms supplied by the National Office and send a copy of each annual audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE Constitution.
- Send a copy of the completed audit report (on the prescribed form provided by the National Secretary Treasurer), as well as a copy of their report to the Local Union membership along with a copy of their recommendations and/or concerns to the President and Secretary-Treasurer and the Secretary-Treasurer's response, to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned servicing representative.

(Articles B.3.10 to B.3.12)

## **SECTION 10 – DUTIES OF STEWARDS/COMMUNICATORS**

The Union **Stewards/Communicators** shall:

- Be selected as per the Local process of interest with majority of signatures in the designated areas on the Site concerned;
- Encourage the participation of all members of the site in union activity by maintaining contact with members to provide ongoing union awareness and education;
- Encourage members to participate in Union activities.
- Solicit attendance of members at regular and special meetings;
- Attend all membership meetings and Steward/Communicator Meetings of the Local Site;
- Pass information to/from the Site Vice-President to/from the membership as required;
- Attend EDLC monthly meetings or any other affiliate meeting they may be assigned to attend.

## **SECTION 11 – OUT-OF-POCKET EXPENSES**

The following expense allowance shall be provided for Executive Board Members as follows:

<u>TITLE</u>	<u>MONTHLY</u>
President	\$450.00
Vice-President	\$350.00

Secretary-Treasurer	\$350.00
Recording Secretary	\$225.00
Department Stewards	\$75
Trustees	\$50.00 for each audit

The above expense allowance will be paid per month on a quarterly basis.

To receive the expense allowance, the officer or steward must attend to the duties of the position and attend meetings. Acceptable absences are working, union business, compassionate leave, illness and vacation.

- (a) Members attending Union functions shall be paid a per diem to cover their expenses of \$50.00 per day in town. Out of town per diem shall be paid at \$100/ day. Out of province per diem shall be paid at \$110/ day. If meals are provided, then a per diem shall not be paid. Parking receipts will be submitted to the Secretary-Treasurer and will be refunded.
- (b) Per diems will be paid for day of travel to and from out-of-town events. If Union functions end before 3:00 p.m. and weather permitting the member can return home, no extra per diems and hotel accommodations will be paid.
- (c) Travel outside of Edmonton will be paid transportation costs at CUPE Alberta Division rate, including to and from arrival point and hotel. Only the driver will receive this rate.
- (d) Wages will be paid to members if working on union business (e.g. negotiations, arbitration's, conventions). Schedules of work will be provided to the union office if more than one (1) day of work is required off.
- (e) Reasonable childcare/elder care expenses shall be reimbursed to Executive, Stewards, Delegates, or Committee members, attending Union functions outside of their normal childcare/elder care hours. Reimbursement for child care/elder care expenses must be substantiated by original receipts.
- (f) Hotel accommodation for out-of-town purposes shall be reimbursed upon receipt.
- (g) There shall be no pyramiding of expense allowances.

### **Standing Committees**

The Standing Committee shall:

1. Elect a Chairperson and Recording Secretary, of which one must be an Executive Board member, for a 2-year term.
2. Comprise of not less than three members and not more than seven members.

3. Meet monthly at designated times agreed to by the committee and any additional meetings will be approved by the Executive Board.
4. Submit their reports, first to the Executive Board and then to the general membership.
5. Be held responsible for the proper maintenance and functioning of these committees by the Executive Board.
6. Have informal meetings and rules of order shall govern if need be.
7. Declare a position vacant should any member fail to attend three consecutive meetings without having submitted good and sufficient cause. Members are expected to call the office during regular business hours to give notification that they will not be in attendance.
8. Perform committee duties that may be prescribed by the committee and/or Executive Board.
9. Be removed from the committee by the Executive Board if they fail to comply with the above.
10. Notwithstanding the above, should a committee member be scheduled to work at the same time as a committee function (not scheduled meetings), they may be booked off by the Executive Board in order to attend.

**Local 41 Standing Committees:**

1. Social & Engagement Committee
2. Diversity Committee
3. OHS&W Committee
4. Content Creation & Communication Committee

**Member Education Expenses**

1. CUPE weekend workshops – the Local encourages members to take courses in areas where they may be interested in becoming actively involved. Therefore, the Local will pay for course fees where applicable – no book-offs will be paid.
2. CUPE weeklong school – if at least one prerequisite weekend workshop has been completed, the Local will pay for per diems, accommodation, travel and book-off costs as per the membership approval process.

3. Members interested in specific Executive positions – the Local will pay for book-off costs for members to shadow specific Executive positions of interest as well as related course time required for those positions as per the membership approval process.

## **SECTION 12 – FEES, DUES AND ASSESSMENTS**

- (a) Monthly Due - the monthly dues shall be 1% of gross earnings higher than the percentage (%) of per capita dues set by CUPE National Convention.
- (b) Changes in the levels of the Re-admittance Fee, or the Monthly Dues can be affected only by following the procedure for amendment of these Bylaws (see Section 16), with the additional provision that the vote must be by secret ballot.
- (c) Special assessments may be levied in accordance with Article B.4.2. of the CUPE Constitution.

(Article B.3.3)

## **SECTION 13 – NOMINATION, ELECTION & INSTALLATION OF OFFICERS**

- (a) President, Site Vice Presidents, Secretary-Treasurer, Recording Secretary, and Trustees shall be elected.
- (b) During even years, the following positions shall be elected: Site Vice Presidents, Secretary-Treasurer, and one three-year Trustee.

During odd years the following positions shall be elected: President, Recording Secretary, and one three-year Trustee.

- (c) Nomination

Nominations shall be received at the regular membership meeting held in the month of January and will be accepted up to and including the second Tuesday in February. No nomination shall be accepted unless the Member is in attendance at the meeting or has allowed to be filed at the meeting their consent in writing, duly witnessed by another Member. Nominations, other than those made from the floor, must be in writing to the Returning Officer and be signed by both the nominator and the nominee. No Member shall be eligible for nomination if they are in arrears of dues and/or assessments.

(d) Elections of Officers

- (i) The President shall, if necessary, appoint an Elections Committee, subject to the approval of the membership, consisting of a Returning Officer and assistant(s). The Committee shall include members of the Local from each Site who are neither officers nor candidates for office; it shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.
- (ii) The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- (iii) The Returning Officer shall be responsible for issuing, collecting, counting ballots and must be fair and impartial and see that all arrangements are unquestionably democratic.
- (iv) The voting shall take place on the third Wednesday at each Site in February. The vote shall be by secret ballot.
- (v) For the positions of President, Secretary-Treasurer and Recording Secretary (positions that can be elected from any site):
  - 1. The hours of voting shall be 08:00 hours to 16:00 hours at a location accessible to all members at their respective site.
  - 2. For positions that are site specific, voting, where applicable, will take place at the appropriate site following nominations.
  - 3. The candidate with the highest number of votes cast shall be elected. In a ballot to fill more than one position, each delegate must vote for the full number of positions to be filled or the ballot is spoiled. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary, until a candidate receives a plurality of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
  - 4. Referendum votes are held outside of meetings to allow members to vote. The referendum is a secret vote. These votes can be done with paper ballots or electronically, but not at the same time. Electronic votes can only be conducted using a secure platform if being done electronically. The hours of voting will be done according to Section 13 (d) 1.
  - 5. Any Member may request in a petition a recount of the votes for any election and recount shall be conducted if the request is supported, in a vote, by at

least the number of Members equal to the quorum for a Membership meeting as laid down in Section 5 (d).

(e) Installation

(i) All duly elected officers shall be installed at the meeting following election and shall continue in office for two (2) years (unless otherwise stated) or until a successor has been elected and installed, provided however, that no term of office shall be longer than three years.  
(Article B.2.4)

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

(f) By-Election

(i) Should an office fall vacant, the vacancy shall be filled in accordance with the guidelines for filling vacancies of Table officers or Site positions with the dates amended appropriately.

## **SECTION 14 – DELEGATES TO CONVENTIONS**

(a) Except for the President's option [Section 8 (a)], all delegates to conventions shall be chosen by election at membership meetings.

(b) Site Vice-Presidents shall have first preference at their Site as Delegates to Convention.

(c) Alternate delegates may be elected to attend a Convention in event the regular delegate is unable to attend.

(d) Representation at educational institutes and seminars shall be on the recommendation of the Executive Board, subject to final approval by the membership unless agreed upon by the membership.

## **SECTION 15 – COMMITTEES**

(a) Grievance Committee

Each Site shall have their own Grievance Committee. This committee will:

- Oversee the handling of all local grievances.
- Receive copies of all grievances.

- Prepare a report on the status of all grievances to be submitted to the Executive Board, the National Representative, and to the membership meeting.
- When a grievance is not settled in the initial steps provided for in the collective agreement, this committee will decide whether the grievance should proceed to arbitration.
- If the decision is to not proceed, the grievor(s) may appeal the decision to the Appeal Board.
- The Appeal Board will be the Secretary treasurer, Recording Secretary and three Stewards.
- Act in accordance with any Terms of Reference adopted by the membership.

The committee members will be the Site Vice-Presidents and the President. 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) Negotiating Committee

This shall be a special ad hoc committee established at least six months prior to the expiry of the Local's Collective Agreement and automatically disbanded when a new Collective Agreement has been signed. The function of the Committee is to prepare collective bargaining proposals and to negotiate a Collective Agreement. The Committee shall consist of 'up to' seven members: the President and up to six other Executive Board members, one from the Edmonton General Site and one from the Grey Nuns Site. The CUPE National Representative assigned to the Local shall be a non-voting member of the Committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

(c) Special Committees

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

(d) Standing Committees

Committees shall be elected by the membership. All committees must report in writing to the Local Union. All chairpersons must be members of the Executive.

## **SECTION 16 – RULES OF ORDER**

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these Bylaws as Appendix "A". 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.

CUPE chartered organizations shall respect and apply the CUPE National Equality Statement and Land Acknowledgement to all the chartered organizations' activities. The CUPE National Equality Statement and Land Acknowledgement can be found in Appendices B and D in these Bylaws.

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

## **SECTION 17 – AMENDMENT**

- (a) 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. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.
- (b) These Bylaws shall not be amended except upon a two-thirds (2/3) majority vote of those present and voting at a regular or special membership meeting following seven days notice at a previous meeting or at least sixty days written notice.

(Articles B.13.3 and B.5.1)

- (c) No change in these Bylaws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

(Articles 13.3 & B.5.1)

## APPENDIX A

### RULES OF ORDER

1. The President or, in the absence of the President, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Recording Secretary shall act as President, and in their absence a President pro-team 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 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 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 rise and 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 (2/3) 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, they shall rise in their place and respectfully address the presiding officer, but

- except to state that they rise to a point of order or on a question of privilege, they 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, they shall cease speaking until the point is determined; if it is decided they are in order, they 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 questions. In case of a tie, the President may in addition give a casting vote, or 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 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 division. 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, they 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 the challenge. The Chairperson may then state briefly the basis for the 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 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 votes; and no member shall be allowed to leave without the permission of the Vice-President.
25. The Local's business, and proceedings of meetings, is not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.

## **APPENDIX B**

### **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 persons deserve dignity, equality and respect.

## **APPENDIX C**

### **CODE OF CONDUCT**

The mandate of our union, the Canadian Union of Public Employees (CUPE), is to organize and defend workers and to promote economic and social justice for our members and for all workers. In carrying out our work, we in CUPE strive to promote our core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

CUPE is committed at all levels to creating a union which is inclusive, welcoming, and free from harassment, discrimination, and all types of bullying and intimidation. CUPE needs to ensure that we provide a safe environment for members, staff, and elected officers to carry out our work. CUPE's expectation is that mutual respect, understanding, and cooperation will be the basis of all our interactions.

The Code of Conduct sets out standards of behaviour for participants at national convention, national conferences, schools, meetings, and all other events organized by CUPE National. It is also applicable to structures of CUPE – locals, Provincial and Service Divisions, District Councils of Unions, and Provincial Sectoral Groups. It is consistent with the expectations outlined in the Equality Statement and the CUPE National Constitution.

This Code of Conduct is intended to deal with complaints of inappropriate behaviour at events organized by CUPE National and at events, meetings and activities by other parts of CUPE referenced above. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As CUPE members, staff and elected officers, we commit to one another and to the union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement;
- Respect the views of others, even when we disagree;
- Recognize and value individual differences;
- Communicate openly;
- Support and encourage each other;
- Make sure that we do not harass or discriminate against each other;

- Commit to not engaging in offensive comments or conduct;
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating; and
- Take responsibility for not engaging in inappropriate behavior due to use of alcohol or other drugs while participating in union activities, including social events.

Harassment is objectionable behavior 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 behavior which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

A complaint regarding this Code of Conduct will be handled as follows:

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behavior contrary to the Code, by asking the person to stop such behavior. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. At national conventions, national conferences, schools, meetings, and all other events organized by CUPE National, a complaint shall be brought to the attention of an ombudsperson.
3. At a meeting, event, or activity held by a structure of CUPE, should an ombudsperson be available, the same process be used. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
4. If the complaint involves a national staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another part of CUPE, the person responsible for their employment will be the one to whom a complaint is referred and the relevant collective agreement, should it exist, would be applicable.
5. Once a complaint is received where an ombudsperson is being used, the ombudsperson will work to seek resolution.
6. If this fails to resolve the matter, the ombudsperson 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 offences.

7. At CUPE National events where an ombudsperson is not available, a person properly appointed and designated to be in charge shall receive the complaint. Depending on the nature of the problem, the person in charge may attempt to resolve it through conflict resolution. If this fails to resolve the matter, the person in charge shall determine whether there is a need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offences. The same process is to be used for other parts of CUPE where an ombudsperson is not available.
8. For National events, if the person in charge is a part of the complaint, the director or designate shall assume that role. For all other parts of CUPE, an alternate will be designated to assume that role.
9. In a case where a member has been expelled from a National event, the National President shall receive a report on the matter. For all other structures of CUPE, the presiding officer shall receive a report on the matter.
10. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National. A similar process may be applicable to the other parts of CUPE, done in consultation with the National President.

This Code of Conduct is designed to create a safe, respectful and supportive environment within all parts of CUPE. It is meant to enhance the rights and obligations outlined in the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

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

## APPENDIX D

### LAND ACKNOWLEDGEMENTS

**Treaty 6 territory** is a traditional meeting ground, gathering place, and travelling route used by Indigenous peoples. This territory provided a home to the Cree, Dene (Den-nay), Blackfoot, Saulteaux (So-toh), Nakota Sioux (Na-ko-ta Soo) and many others.

The lands of Treaty 6 Territory are located within the Metis settlements and Metis Nation of Alberta regions 2, 3 and 4. Treaty 6 territory provides sites of natural abundance, ceremony, culture, travel, rest, and relationships of all Indigenous people.

**Treaty 7 territory** is a traditional meeting ground, gathering place, and travelling route used by Indigenous peoples. This territory provided a home to the Blackfoot Confederacy: Siksika (Sik-sik-ah), Piikani (Beh-Gun-ee) and Kainai (Gy nuh) as well as the Tsuu T'ina (Soo-tin-ah) Nation and Stoney Nakoda First Nation along with many others.

The lands of Treaty 7 Territory are located within Metis Nation of Alberta region 3 within the historical Northwest Metis homeland. Treaty 7 territory provides sites of natural abundance, ceremony, culture, travel, rest, and relationships of all Indigenous people.

**Treaty 8 territory** is a traditional meeting ground, gathering place, and travelling route used by Indigenous peoples. This territory provided a home to the Cree, Dene (Den-nay), Inuit, Metis and many others.

The lands of Treaty 8 Territory are in Northern Alberta within the Metis homelands and Metis Nation of Alberta region 4. Treaty 8 territory provides sites of natural abundance, ceremony, culture, travel, rest, and relationships of all Indigenous people.

Local 41 acknowledges that we are all Treaty People with Treaty obligations. We recognize the history of all Indigenous people in their traditional land across Canada.

In the spirit of truth and acknowledgement of the sacred gathering places Local 41 respectfully commits to using these gathering places as an opportunity to engage and provide Indigenous Education to create awareness and demonstrate leadership to all our members.

Local 41 is dedicated to completing the ongoing active work of the Truth & Reconciliation Commission and The United Nations Declaration on the Rights of

Indigenous people, we as a division are committed to providing action of reconciliation in solidarity with all Indigenous people.

## APPENDIX E

### GRIEVANCE COMMITTEE – TERMS OF REFERENCE

#### 1.0 Purpose

These Terms of Reference are designed to:

- (a) satisfy the requirement of an appeal or review process as set out in section 153 of the *Labour Relations Code*; and
- (b) clarify the process by which a member may appeal a decision of the Grievance Committee as set out in sub-section 15(a) of the Local's Bylaws.

#### 2.0 Membership

According to Section 15 of the Local's Bylaws, each Site shall have its own Grievance Committee which will include the Site Vice-Presidents and the President. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.

#### 3.0 Responsibilities

The specific responsibilities of the Grievance Committee are set out in sub-section 15(a) of the Bylaws which state that the Grievance Committee will:

- Investigate potential grievances;
- File all grievances of the Local;
- Oversee the handling of all grievances;
- Receive copies of all grievances;
- Prepare a report on the status of all grievances to be submitted to the Executive Board, the National Representative;
- Represent members at meetings with the Employer;
- When a grievance is not settled in the initial steps provided for in the Collective Agreement, this committee will decide whether the grievance should proceed to arbitration;
- If the decision is to not proceed, the grievor(s) may appeal the decision to the Appeal Board.

In addition, the Grievance Committee will consider any relevant rights and obligations of the member and the Union under the *Alberta Human Rights Act* (including the duty to accommodate) and any other employment-related statute relevant to the grievance.

#### **4.0 Appeals**

According to sub-section 8(a) of the Bylaws, the Appeal Board includes The Appeal Board will be comprised of the Secretary Treasurer, Recording Secretary and three Stewards.

If a member appeals a decision of the Grievance Committee to the Appeal Board, the appeal process shall consist of the following:

1. The Grievance Committee will endeavour to maintain the grievance (or the right to file a grievance) by requesting that the grievance be placed in abeyance pending the appeal.
2. The Grievance Committee will provide the member and the Appeal Board with a written explanation of its decision along with all relevant grievance documents.
3. The member will provide the Appeal Board and the Grievance Committee with a written response, including reasons for the appeal and any other relevant information or documents.
4. The Grievance Committee may provide a written rebuttal to the member and the Appeal Board. If it does, the member may provide the Appeal Board and the Grievance Committee with final written comments.
5. At its discretion, the Appeal Board may invite the Grievance Committee and the member to provide oral submissions instead of or in addition to any written submissions.
6. The Appeal Board may limit the number of documents it will receive and may impose deadlines. Reasonable and sufficient notice will be provided.
7. The Appeal Board will consider any relevant rights and obligations of the member and the Union under the *Alberta Human Rights Act* (including the duty to accommodate) and any other employment-related statute relevant to the grievance.
8. The Appeal Board may direct the Grievance Committee to reinvestigate or reassess the grievance.
9. The Appeal Board will review the submissions and decide whether to grant or dismiss the appeal.

10. The Appeal Board will provide a written explanation of its decision.
11. The Appeal Board will endeavour to provide its written decision within thirty (30) days.