

# CUPE LOCAL 374

## Bylaws and Policies



JANUARY 2024

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## INTRODUCTION

Local 374 of the Canadian Union of Public Employees has been formed to:

- (a) coordinate and support individual CUPE Bargaining Units under a local charter;
- (b) improve the social and economic well-being of all of its members;
- (c) promote equality for all members and to oppose all types of bullying, harassment, and discrimination;
- (d) promote the efficiency of public services; and
- (e) express its belief in the unity of organized labour.

The following Bylaws are adopted by Local 374 in accordance with the CUPE National Constitution (Articles 13.3 – National Strike Fund, and B.5.1, (a)(b)(c) – Additional Bylaws), 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, Appendix D, to all of the chartered organizations' activities. The CUPE National Equality Statement can be found in the CUPE National Constitution [https://cupe.ca/sites/default/files/constitution\\_national\\_2023](https://cupe.ca/sites/default/files/constitution_national_2023) . In addition, CUPE 374 has a Respect in the Workplace Policy. Both links can be found on the CUPE 374 website.

In accordance with the National Constitution, Appendix E, the National Code of Conduct, as it may be amended from time to time, applies to all Local 374 meetings and functions. A link can be found on the CUPE 374 website <https://cupe374.ca> .

## SECTION 1 - NAME

The name of this Local Union shall be Canadian Union of Public Employees, Local 374.

Local 374 consists of the following units:

The Corporation of the District of Oak Bay	District of Sooke
The Corporation of the Township of Esquimalt	District of Metchosin
Town of Sidney	Abilities Community Services (ACS)
District of North Saanich	Together Against Poverty Society (TAPS)
City of Colwood	BC Healthy Communities (BCHC)

## **SECTION 2 – OBJECTIVES**

The objectives of Local 374 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 bullying, harassment and discrimination of any sort or on any basis, for the equality of treatment regardless of class, Indigenous identity, race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, or age of that person or because that person has been convicted of a criminal or summary conviction offence that is unrelated to the employment or to the intended employment of that person; 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.
- (f) Support CUPE in reaching all of the objectives set out in Article II – Goals, of the CUPE National Constitution.

## **SECTION 3 – REFERENCES**

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 – AFFILIATIONS**

In order to strengthen the labour movement and work toward common goals and objectives; Local 374 shall be affiliated to, and pay per capita tax to, the following organization(s):

- i. The CUPE British Columbia Provincial Division
- ii. The Vancouver Island District Council
- iii. The British Columbia Federation of Labour
- iv. The Victoria Labour Council

## SECTION 5 – REGULAR AND SPECIAL MEMBERSHIP MEETINGS

- (a) 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.
- (b) The Local shall hold three general membership meetings per year. Meetings will be held in February/March, May/June, and October/November. Elections for Local wide positions will be held in the Fall (October/November) at the Annual General Meeting.
- (c) The time and place of General Membership Meetings will be determined by the Executive Board. One month notice must be given to the membership prior to a meeting.
- (d) Special membership meetings of Local 374 may be required and shall be called by the Executive Board or may be requested in writing by no fewer than 10 (ten) members. The President shall immediately advise members when a special meeting is called and ensure that all members receive at least seventy-two (72) 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.
- (e) The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be ten (10) members, including five (5) members of the Executive Board.
- (f) The order of business at the Annual General Membership Meetings is as follows:

### Acknowledgement of Territories

1. Roll call of officers
2. Reading of the Equality Statement
3. Voting on new members and initiation
4. Reading and approval of minutes of previous meeting
5. Matters arising out of the minutes
6. Treasurer's report
7. Correspondence
8. President and Executive Committee report
9. Executive Board Recommendations
10. Reports of committees and delegates
11. Nominations, Elections, or Oath of Office
12. Unfinished business
13. New business and Action Plan
14. Good of the Union
15. Adjournment

- (g) Local 374 is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor, and support new members and equity-seeking members.

### **SECTION 6 – UNIT, REGION, or SITE MEETINGS**

- (a) The Local Union may hold unit meetings in person and/or virtually. Where virtual meetings are held, all voting will be conducted electronically provided secrecy can be maintained, where mandated.
- (b) Each Unit Vice President shall hold a minimum of two (2) Bargaining Unit membership meetings during a calendar year. Additional meetings may be held at the discretion of the Unit Vice President.
- (c) Decisions made at regular or special unit meetings shall only affect members of the unit.
- (d) Any Items with financial implications will be submitted as a Unit Recommendation to the Executive Board by the Unit Vice President.
- (e) Unit Vice Presidents shall be responsible for content of Unit meetings and for communicating status of any unit recommendations to the Executive Board.

### **SECTION 7 – OFFICERS**

The Officers of Local 374 shall be the President, Treasurer, Recording Secretary and one (1) Unit Vice President from each bargaining unit and three (3) Trustees. The Unit Vice Presidents will elect from among themselves two (2) people to serve as General Vice President(s) in addition to their position of Unit Vice President.

### **SECTION 8 – EXECUTIVE BOARD**

Members of the Executive Board shall act in a manner to promote solidarity, unification, and cooperation between the bargaining units to create a strong union local which benefits all members.

- (a) The Executive Board shall include all Officers of the Local.
- (b) Trustees shall not sit on the Executive Board.
- (c) The Executive Board shall meet at least eight (8) times per year.
- (d) A majority of the Executive Board constitutes a quorum.

- (e) The Executive Board may determine that one (1) Unit Second Vice President is required from an individual bargaining unit, who may sit on the Executive Board with voice but no vote. The Unit Second Vice President must be elected by the members of the bargaining unit.
- (f) 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 by a majority vote.
- (g) 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.
- (h) Should any Executive Board member fail to answer the roll call for three consecutive regular meetings, or three consecutive regular Executive Board meetings without having submitted good reasons, their office shall be declared vacant and shall be filled by an election at the following membership meeting.

## **SECTION 9 – DUTIES OF OFFICERS AND UNIT SECOND VICE PRESIDENTS**

Each Officer of Local 374 is encouraged to participate in CUPE educational events to enhance their leadership skills and expand their knowledge and expertise. Any Officer who is required to be bonded shall be so as determined by the Executive Board.

All signing Officers of Local 374 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

(a) The President shall:

- i. The President is the lead executive officer of the Local Union.
- ii. The President shall preside at all meetings of the Local Union; preserve order, sign each order on the treasury only as authorized and ordered by the Local Union; appoint all committees not otherwise ordered; and transact such other business as may of right pertain to the office of President, and which may be necessary for the proper functioning of the Local Union.
- iii. Enforce the CUPE National Constitution, these Local Union bylaws, and the Equality Statement.
- iv. Interpret these bylaws as required.
- v. Decide all points of order and procedure (subject always to appeal to the membership).
- vi. Have a vote on all matters (except appeals against the President's rulings).
- vii. Ensure that all Officers perform their assigned duties.



- viii. Ensure Shop Steward and any other Bargaining Unit level elections, are conducted in a fair and impartial manner by either conducting them, or assigning an impartial Elected Officer to conduct the elections.
- ix. Introduce new members and conduct them through the initiation ceremony at General Membership Meetings.
- x. Be allowed necessary and reasonable funds, to reimburse the President or any Officers for expenses incurred on behalf of the Local Union. Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached.
- xi. Have first preference as a delegate to the conventions of affiliates listed under Section 4.
- xii. Be a required signing authority for all matters pertaining to all collective agreements in the local.
- xiii. On termination of office, surrender all books, seals, and other properties of the Local Union to their successor.

(b) The Treasurer shall:

- i. The Treasurer is the lead administrative officer of the Local Union. In the absence of the President, the Treasurer will assume the role of lead executive officer.
- ii. Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union.
- iii. Sign all cheques and/or authorize all electronic payments and ensure that the Local Union's funds are used only as authorized or directed by the National Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- iv. 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, no later than the last day of the following month.
- v. 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.
- vi. Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.

- vii. Make a full financial report to meetings of the Local Union's Executive Board.
- viii. Present and distribute a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- ix. Be bonded through the master bond held by CUPE National. Any Treasurer who cannot qualify for the bond shall be disqualified from office.
- x. 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 for payment of per capita fees to any organization to which the Local Union is affiliated.
- xi. 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.
- xii. Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- xiii. Notify all employers who are one month in arrears and report to the Executive Board all employers two or more months in arrears in the payment of union dues.
- xiv. Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- xv. Provide T4s when required by Canadian tax law.
- xvi. Fulfill the responsibilities of Privacy Officer for the local.
- xvii. On termination of office, surrender all books, records, and other properties of the Local Union to their successor.

(c) The General Vice President(s) shall:

- i. Perform all the duties of the President, Treasurer or Recording Secretary in their absence.
- ii. Be an alternate signing authority to the President for all matters pertaining to all collective agreements in the local and a required signature for agreements with financial implications to the local.
- iii. Render assistance to any member of the Executive as directed by the Executive Board.

- iv. Fulfill all duties as the Unit Vice President of their bargaining unit as per Subsection 9 (e) below.
- v. On termination of office, surrender all books, seals, and other properties of the Local Union to their successor.
- vi. Each General Vice President will be assigned equal units for the duration of their term.

(d) The Recording Secretary shall:

- i. Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (Membership meetings) presented by the Treasurer. The record will also include reports presented by the Trustees.
- ii. Complete and distribute Executive Board meeting minutes to the Executive Board members within two weeks of the meeting.
- iii. Record all amendments and/or additions in the bylaws and make certain that these are sent to the National President for approval.
- iv. Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- v. Keep a record of all correspondence received and sent out.
- vi. Maintain motion log of General Membership and Executive Board meetings of motions carried and defeated.
- vii. Maintain a donation log chronicling all donations made by the local.
- viii. Note all donations in the minutes for future reference.
- ix. Prepare notices as directed.

(e) A Bargaining Unit Vice President shall:

- i. Be involved in and responsible for representing their bargaining unit to the fullest extent possible.
- ii. Maintain communication between their membership and the Executive Board, deal with problems and grievances in their areas and report back on matters affecting their members.
- iii. Ensure at least two (2) membership meetings occur annually in their bargaining unit.

- iv. Be a required signing authority on all matters relating to the collective agreement of their bargaining unit.
- v. Perform additional duties or serve on committees as may be assigned from time to time, by the President and/or Executive.
- vi. Call for elections for Shop Stewards or appoint in the event of a vacancy until a by-election can be held.

(f) A Unit Second Vice President shall:

- i. Perform all duties of the position in the absence of the Unit Vice President.
- ii. Assist the Bargaining Unit Vice President as required with all matters pertaining to the bargaining unit, including grievance handling.
- iii. Perform additional duties or serve on committees as may be assigned from time to time, by the President and/or Executive.

(g) The Trustees shall:

- i. Act as an auditing committee on behalf of the members and audit the books and accounts of the Treasurer and Recording Secretary, and the Committees at least once every calendar year.
- ii. Submit in writing to the President and 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 Treasurer in an organized, correct, and proper manner.
- iii. Make a written report of their findings to the first membership meeting following the completion of each audit.
- iv. Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
- v. Ensure that proper financial reports have been given to the membership.
- vi. Audit the record of attendance.
- vii. 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.

viii. Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:

- 1) Completed Trustee Audit Program
- 2) Completed Trustees' Report
- 3) Treasurer Report to the Trustees
- 4) Recommendations made to the President and Treasurer of the Local Union
- 5) Treasurer's response to recommendations
- 6) Concerns that have not been addressed by the Local Union Executive Board.

## **SECTION 10 - NOMINATION, ELECTION, AND INSTALLATION OF OFFICERS**

### **a) Nominations**

- i. Nominations will be made at the Annual General Membership Meeting for the positions of President, Treasurer and Recording Secretary.
- ii. Nominations for the Unit Vice President and Second Vice President Positions will be held in their bargaining unit and be conducted by the President of the local or their designate.
- iii. 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 either at or before the meeting, witnessed by another member.
- 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. To be eligible for nomination, a member must be a member in good standing as set out in Article B.8.3 of the National Constitution.
- vi. No member will be eligible for nomination if they are in arrears of dues and/or assessments.

### **b) Elections**

- i. The President, Treasurer and Recording Secretary will be elected at the Annual General Meeting every three (3) years, alternating the President, Treasurer, and Recording Secretary. No term shall expire on the same year. If any incumbent leaves their term early, an election will take place for the remainder of the term.
- ii. Unit Vice Presidents of, Sidney, North Saanich, Metchosin, Oak Bay and ACS and will be elected in odd years. The Unit Vice Presidents for Esquimalt, Colwood, Sooke, TAPS and BCHC shall be elected in even years.

- iii. Unit Vice President Elections shall occur at a scheduled bargaining unit meeting during the fall (September/October) and be conducted by the President.
- iv. The General Vice President will be elected annually at the December Executive board meeting following the Annual General Meeting.
- v. The Local 374 Executive Board will appoint an Elections Committee consisting of a Returning Officer and Assistants to conduct the Elections of President, Treasurer and Recording Secretary. This appointment will be subject to approval of the membership at the meeting. Officers of the Union nor candidates for the office may serve on the Elections Committee.
- vi. The Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
- vii. All election voting will be conducted by means of a secret ballot.
- viii. Voting to fill one office will be conducted and completed and recounts dealt with before balloting may begin to fill another office.
- ix. To be elected a candidate must receive a majority of votes cast (more than 50%). If no candidate receives a majority of votes cast, a second ballot will be held. The candidate who received the fewest votes on the first ballot will be removed from the second ballot. This process will continue until a candidate is elected by a majority of votes cast. After each ballot the Chairperson will declare which candidates have been elected and which candidate must withdraw. In a ballot to fill multiple positions, the Chairperson will also declare the number of positions to be elected on the next ballot.
- x. In the event of a tie vote, a second and subsequent ballot(s) will be taken, if necessary, until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
- xi. Any member may request a recount of the votes for any election and a recount will be conducted if the request is supported, in a vote, by a majority vote of the members present at the meeting.

c) Installation

- i. All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for three (3) year(s) or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three (3) years.

ii. The terms of office for Trustees shall be so that-the Local Union elect one (1) Trustee for a three (3) year term, every year at the AGM. 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. The Oath of Office to be communicated or affirmed 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.”

d) By-Election

Should an office fall vacant pursuant to CUPE 374 Bylaws, Section 8(h) or for any other reason, the resulting by-election will be held as soon as practical and should be conducted as closely as possible in conformity with this Section.

## SECTION 11 – FEES, DUES, AND ASSESSMENTS

a) Initiation Fee

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 Treasurer and will be accompanied by an initiation fee of ten dollars (\$10.00), which shall be in addition to monthly dues. If the application is rejected, the fee shall be returned.

b) Re-admittance Fee

The re-admittance fee shall be ten dollars (\$10.00).

c) Monthly Dues

The monthly dues shall be 1.75% of gross wages. Dues may be changed at a regular or special membership meeting. Notice of at least seven days at a previous meeting, or 60 days in writing, must be given.

Monthly Dues shall increase in accordance with any increase to per capita payments to CUPE BC or CUPE National.

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

## **SECTION 12 – NON-PAYMENT OF DUES AND ASSESSMENTS**

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

## **SECTION 13 – VOTING OF FUNDS**

(a) Local 374 will pay out funds under the following circumstances:

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

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

(b) No member of Local 374 will be allowed to spend any Local Union funds without first having received authorization under CUPE Local 374 Section 13(a) bylaws.

## **SECTION 14 – OUT-OF-POCKET EXPENSES AND HONOURARIUM**

*All Out-of-Pocket expenses are found at Appendix “C” of these Bylaws as “CUPE 374 Expense Policy”.*

## **SECTION 15 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS**

- (a) The budget for delegates to conventions, and attendees to conferences and educationals, shall be determined by the membership at the Annual General Membership meeting.
- (b) Delegates and Alternates to Conferences, Conventions and Educational courses shall be decided by the Executive, with the President having the right to attend conventions as per Section 9. Delegates and Alternates shall be decided at the same time.
- (c) Per Diem amounts for delegates attending Conferences, Conventions and educational courses shall be tied to the CUPE 374 Expense Guide (Appendix “C”).
- (d) Local 374 will provide members with their per diem allowance prior to their attending the convention, conference, or educational.
- (e) Delegates to the affiliations shall be approved by Executive.



## SECTION 16 - COMMITTEES

### Committee Elections

- i. When an election is necessary for any committee delegates, or for any other reason when the members required will be more than one, the Committee will be selected in order of the votes obtained; the alternates, if any, will also be declared from the same ballot in descending order. If the President is an automatic nominee to any Committee, then the meeting assembled will vote on one less member than is required on that committee.
- ii. Where Committees are not elected at the annual meeting, the President and Executive shall, before the next meeting, appoint the above committees.
- iii. These Committees shall stand for a period of one year at a time.

The following are the committees of this Local:

- (a) Bargaining
- (b) Labour Management
- (c) Grievance
- (d) Health & Safety
- (e) Job Evaluation (Unit specific)
- (f) Constitution and Policies
- (g) Communications
- (h) Administration Committee
- (i) Ad hoc Committees

#### a) Bargaining Committee(s)

- i. A Unit Bargaining Committee shall be elected at a unit bargaining unit meeting prior to collective bargaining, by the unit's membership, and will serve until all business arising out of the agreement has been completed. The President shall be a member of all bargaining committees in the local. The CUPE Representative assigned to the local shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.
- ii. The function of the Committee shall be to survey the membership for collective agreement issues, determine roles and responsibilities of committee members, and to negotiate collective agreements for approval of the membership.

- iii. There shall be a bargaining committee for each unit, although they may bargain jointly where required. The committees shall consist of the following:

<b>Oak Bay:</b>	Unit VP* plus 2 bargaining unit members
<b>Esquimalt:</b>	Unit VP plus 3 bargaining unit members
<b>Sidney:</b>	Unit VP plus 1 bargaining unit member
<b>North Saanich:</b>	Unit VP plus 1 bargaining unit member
<b>Colwood:</b>	Unit VP plus 1 bargaining unit member
<b>Sooke:</b>	Unit VP plus 1 bargaining unit member
<b>Metchosin:</b>	Unit VP only
<b>ACS:</b>	Unit VP only
<b>TAPS:</b>	Unit VP plus 1 bargaining unit member
<b>BCHC:</b>	Unit VP only

\*Unit Vice Presidents (VP) shall be automatics to the Bargaining Committee in their unit.

b) Labour Management Committee

A Labour-Management Committee shall be formed in each unit to include the applicable Unit Vice President, and other members appointed by the Unit Vice President when required, and other members from the applicable areas to deal with subjects for discussion. The President shall be a member of all Labour Management Committees in the Local.

c) Grievance Committee

A Grievance Committee for each unit shall be appointed by the respective Unit Vice President, where deemed necessary, to a maximum of:

Oak Bay:	three	(3)
Esquimalt:	four	(4)
Sidney:	two	(2)
North Saanich:	two	(2)
Colwood:	two	(2)
Metchosin:	two	(2)
Sooke:	two	(2)
ACS:	one	(1)
TAPS:	two	(2)
BCHC	one	(1)

Grievance reports shall be presented to the Executive Board as well as to the membership with copies to the National Representative.

d) Health and Safety Committees

- i. Each Bargaining Unit required to have a Joint Occupational Health and Safety Committee(s) shall conduct committee member elections during unit meetings.

- ii. Terms of the Bargaining Unit representative Joint Occupational Health and Safety Committee member shall be determined by each individual bargaining unit.
- iii. As required by the Occupational Health and Safety Amendment Act (October 1999), the Union has a responsibility to ensure equal representation on the joint health and safety committees; and where a committee is not required, there will be a worker representative acting on behalf of the membership, elected by the bargaining unit they represent.

(e) Job Evaluation Committee (Unit specific as required)

- i. The Committee shall consist of bargaining unit members appointed by the Unit Vice President and President.
- ii. The duties of the union committee members shall be to review job descriptions and rate them according to the joint job evaluation plan and to advise the local of any important issues arising out of these matters.

(f) Constitution and Policies Committee

- i. This Committee shall consist of the President, and a single representative from each unit, to be elected at a unit meeting after the Annual General Meeting of the odd year.
- ii. It shall be the duties of this Committee to review and revise, if necessary, the Bylaws and any applicable Policies and/or Procedures. Any changes to these bylaws will be in accordance with Section 19.

(g) Communications Committee

This Committee shall consist of members appointed by the Executive Board. The duties of this Committee shall be to distribute updates and/or items of interest to the membership (i.e. newsletter, website, and social media).

(h) Administration Committee

- i. This Committee shall consist of the President, General Vice President(s), and Treasurer.
- ii. This Committee shall prepare a proposed budget to be recommended to the Executive Board at least one Executive Board meetings—prior to being presented to the membership at the Spring General Membership Meeting.
- iii. This Committee shall also address all matters pertaining to the operation of local and make recommendation(s) to the Executive Board for determination.
- iv. Be empowered with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds.

(i) Ad hoc Committees

A special ad hoc committee may be established for a specified purpose and period of time, by the membership at a meeting or may be appointed by the President. Up to two (2) members of the Officers may sit on any Special Committee as ex-officio members, if required.

## SECTION 17 – RECALL PROCEDURE AND TRIALS

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

(a) Executive Board Positions

Should a member of the Executive Board lose the confidence of the applicable membership, the following procedure shall be followed:

1. Any local member may initiate a recall procedure by presenting, at a General Meeting, a signed petition of fifty percent (50%) of the local membership for the positions of President, Treasurer or Recording Secretary.
2. Any member of a Bargaining Unit may initiate this recall procedure by presenting, at either a General or Bargaining Unit meeting, a signed petition of fifty percent (50%) of the bargaining unit membership of the applicable Bargaining Unit Vice President.
3. Upon confirmation by the assigned CUPE National Servicing Representative that the petition meets the required threshold, the Local will hold a special membership meeting (either a General Meeting or Bargaining Unit Meeting, whichever is appropriate), provided at least seven (7) days' notice has been provided to the membership.
4. The sole purpose of the special membership meeting will be to vote on the confidence of the Executive Board member identified in Section 1 or 2. Fifty percent (50%) of the applicable membership must be in attendance for quorum.

(b) Grievance/Arbitration Appeal Process

1. The decision to file a grievance and to proceed to any step of the grievance procedure including arbitration rests exclusively with the Local Union and not an individual member. To ensure that decisions are fair and not arbitrary, the following appeal process is available to members.
2. If a member feels they have an issue that warrants a grievance and or arbitration, they must first discuss the issue with their Unit Vice President. The Vice President will then consult with the President and advise the member on the merits of taking the matter forward. If the decision is to not take the matter forward the following appeal process may occur.

(c) Appeal Process

1. A member who wishes to appeal a decision not to proceed with a grievance or arbitration will notify the President within 7 (seven) days of receiving this decision from their Vice President to advance the matter to an appeal before the Local Executive Board.
2. The President will then have the matter placed on the agenda of the next Executive meeting.
3. The President will take any and all necessary steps with the employer to ensure the matter is not lost due to any timelines outlined in the grievance procedure of the collective agreement.
4. Prior to the meeting The President shall request the opinion of the National Representative.
5. At that meeting the President will present the reasons for not advancing the matter to grievance, or arbitration.
6. The Member will then be asked to present their case along with their reasons for why they feel the matter should be advanced, and any other information or new evidence they feel is relevant.
7. The member will then be excused from the meeting.
8. The Executive will then conduct a secret ballot vote to decide on whether to advance the matter or not.
9. The member will be notified of the decision by the President.
10. The decision of the Executive is final.

**SECTION 18 – 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 “B”. These rules will 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 “B”, the CUPE National Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot’s Rules of Order shall be consulted and applied.

**SECTION 19 – AMENDMENTS**

- (a) These bylaws are always subordinate to the CUPE National 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 National Constitution, the latter shall govern. The National President has the sole authority to interpret the CUPE National Constitution.

- (b) These bylaws will not be amended, added to, or suspended, except upon a majority vote of those present and voting at a regular or special membership meeting. Notice of the intention to propose the amended or additional bylaws must be given at least seven (7) days before at a previous membership meeting or sixty (60) days before in writing.
- (c) No change in these bylaws will be valid and take effect until approved by the National President of CUPE. The validity will date from the letter of approval of the National President.

## **SECTION 20 - PRINTING AND DISTRIBUTION OF BYLAWS**

Upon Request, members will receive a copy of Local 374 bylaws, either in paper format or via the Local Union website. Members with disabilities may request a copy in an alternate format.

## **SECTION 21 - GOOD AND WELFARE REQUESTS**

Good and Welfare requests shall be decided upon by the Executive Board, and where confidentiality is appropriate, care should be taken by Executive Board members to respect the privacy of the membership.

## Appendix "A"

### RULES OF ORDER

1. The President will be the Chairperson at all membership meetings. In the absence of the President, a General Vice President will be the Chairperson at the membership meeting. In the absence of the President and General Vice President(s), the Treasurer will be the Chairperson at the membership meeting. In the absence of the President, General Vice President(s) and Treasurer, 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 is 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 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 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) 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 briefly state the basis for the appeal. The Chairperson will then briefly state the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.
25. After a question has been decided, any two members who have voted with the majority can move reconsideration, provided that a motion for reconsideration is made at either the meeting where the decision proposed for reconsideration was made, or at the very next meeting.
26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.

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

## Appendix "B"

### CUPE 374 EXPENSE POLICY

#### PREAMBLE

The purpose of this expense policy is to reimburse members for expenses incurred on behalf of CUPE 374. This policy shall be reviewed annually by the Trustees.

#### HONORARIUMS

The Honorariums of the Local shall be as follows:

President	\$300.00 per month
Treasurer	\$275.00 per month
General Vice-President	\$275.00 per month
Recording Secretary	\$250.00 per month
Unit Vice Presidents	\$250.00 per month
Trustees	\$50.00 per year
Bargaining Committee Members	\$50 per bargaining round

#### OFFICERS OUT-OF-POCKET EXPENSES

1. The Officers of Local 374 can be booked off from work to conduct unit or local business, subject to approval by the President. An annual budget line for book off will be approved by membership. There shall be an accompanying motion adopted by the members at the membership meeting to approve the book off.
  2. All out-of-pocket expenses (Per Diems and mileage rates) are to follow the CUPE BC expense policy except in the following instances:
    - a) The maximum amount of out-of-pocket expenses for meetings within the Capital Regional District [Greater Victoria Area] shall be as follows:
      - i. Full Day: Equal to the half (1/2) day amount as per CUPE BC Expense Policy.
      - ii. Half Day: Equal to one half (1/2) of the Full Day amount as above.
      - iii. Conventions and Conferences will not be considered meetings.
    - b) Members attending local Education and Training courses where meals are supplied the per diem shall be per the CUPE BC Expense Policy Article (f).
- Members who, without good reason, are unable to attend the union function, must return to the local union any and all funds related to that function.
3. For Virtual Meetings, there will be no out-of-pocket expenses provided.

## GUIDELINES FOR DONATIONS

### 1. Financial Donations

The donation policy of the Local upholds basic labour principles of solidarity, equality, and equity. The Local donates only to Labour Support and Community organizations and groups that support these principles. The Local does not make donations to individuals. The Executive Committee shall be given the responsibility to decide on donations to a maximum of five hundred dollars (\$500) per donation. The Local will establish a yearly budgetary limit for all such donations.

### 2. Solidarity

As a Local we uphold the basic union principles of equality, democracy, and anti-oppression. Our mission is to assert workers' rights by supporting social justice activities locally and globally. Upon Executive recommendation, Local 374 may donate up to two thousand dollars (\$2,000) annually to organizations which uphold the same principles and values.

### 3. Member Recognition

CUPE 374 recognizes members of longstanding. Upon retirement and as approved by the Executive Board, the member will receive a gift in the value of ten dollars (\$10) per each year of service within Local 374. (This includes recognition of CUPE Local 333 members prior to transfer of jurisdiction).

## CHILDCARE, 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 374 is committed to removing barriers within its control, so that all members have equal access to participation.

- (a) When it is practical and demand warrants, Local 374 will provide on-site childcare at all Local Union membership meetings. Where on-site childcare is not provided, and in the case of dependent care or elder care, members will be reimbursed to a maximum of the living wage for the area for each hour of required care. Reimbursement will be provided upon proof of payment.
- (b) If required, dependent care will be paid outside of regular working hours as per CUPE BC Expense Policy upon completion of the CUPE BC Dependant Care form which shall be provided by President upon request. Other dependent care expenses will be paid at a realistic rate, with prior approval of the Administration Committee, and upon completion of the CUPE BC Dependant Care form.
- (c) Claims will not be paid for a spouse, partner, or a family member who normally provides care without charges. Claims will not be paid for periods of time where a member would normally have paid for care, such as during normal hours of work at their job.

## LOST TIME WAGES

1. Delegates or members who attend conventions, conferences, seminars, education schools etc., whereby wages would normally be paid by the employer, shall be billed to the Local and reimbursed to the Employer.
2. Under no circumstances shall lost time wages be reimbursed by the Local or the Employer directly to a union member.
3. Where a delegate or a member is reimbursed for lost time wages by a third party it shall be the responsibility to reimburse the Local for the lost time paid for by the Local.
4. When the members elect delegates or select members to conventions, conferences, seminars, education schools, etc., the President will provide direction of pertinent information to each member attending, and furthermore, will ensure that lost time wages and expenses are in conformity to all delegates or selected members. The President shall issue any required leave of absence forms for union business.
5. The President shall approve any required leave of absence forms for union business.
6. The Treasurer may approve leaves of absence if the President is unavailable. The Treasurer shall subsequently inform the President as soon as possible.

## HOTEL BILLS

1. The President, lead delegate or member shall provide payment for the hotel bill(s) for union business. The expenses paid in this area shall consist of:
  - a) The hotel rate (single occupancy)
  - b) Applicable room tax
  - c) Parking

All other expenses appearing on a delegate's bill are the responsibility of the delegate.

2. If a member, by preference, chooses to change hotels, the member shall be reimbursed the actual cost of the hotel rate, not to exceed the room rate previously agreed to by the local.
3. The President, lead delegate or member shall present any required receipts, except for out-of-pocket expenses, to the Treasurer within the calendar year.
4. When a larger room for hospitality purposes is deemed to be required, and is approved by the Table Officers, the Local will bear the additional cost.

## CELL PHONES

1. The President shall be provided with a cell phone by the local, as well other officers as approved by the Executive Board, as an operating expense. Excessive personal use may result in charges for such airtime.
2. Members who use their own personal cell phone for union business, who are approved by the Executive Board, may be compensated for use for union business.

## TRAVEL

The most economical, yet practical mode of travel (taking into account the best use of hours spent travelling) shall be used by the delegates or members. Where applicable mileage expenses are incurred, the rate per kilometre shall be at CUPE BC rates, the total mileage expense shall not exceed the total amount of the normal mode of travel.

## EDUCATION

The Administration Committee shall recommend to the Local Executive appropriate courses and desired attendance.

## MISCELLANEOUS

1. Delegates or members attending Union functions may contact the President for an up-to-date verbal report of activities, prior to attending the function, if they are required to make a report on behalf of this Local.
2. Delegates or members attending Union functions shall be required to make a report at the next Executive or General meeting of the function attended.

## Appendix "C"

### OATH OF MEMBERSHIP

All new members of CUPE Local 374 shall be required to communicate or affirm the following:

"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."