

**Amended** @ the General Membership Meeting – April 09, 2019

**Approved** As per CUPE National President – May 13, 2019



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**INTRODUCTION**

Local 5209 of the Canadian Union of Public Employees has been formed to:

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

The following bylaws are adopted by Local 5209 in accordance with the CUPE National Constitution (Articles 13.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

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

CUPE chartered organizations may also wish to adopt a Local Union Code of Conduct that would apply to membership meetings and other functions organized by the chartered organization. The Local Union Code of Conduct can be found in Appendix B to these bylaws.

# SECTION 1 – NAME

The name of this Local Union shall be Canadian Union of Public Employees, Local 5209.

Local 5209 consists of the following Negotiating Units at the National Capital Region YMCA-YWCA:

Housing Services Department

Aquatics Department

# SECTION 2 – OBJECTIVES

The objectives of Local 5209 are to:

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

# (a) Membership

An individual employed within the jurisdiction of Local 5209 can apply for membership in Local 5209 by signing an application and paying the initiation fee set out in Section 14(a) of these bylaws.

(Article B.8.1)

# (b) Approval of Membership

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

(Article B.8.2)

# (c) Oath of Membership

New members will take this oath:

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

(Article B.8.4)

# (d) Continuation of Membership

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

(Article B.8.3)

# (e) Member Obligations

Members are obligated to abide by the CUPE National Constitution and these bylaws as amended from time to time.

Members will provide the Recording-Secretary with their current address, home telephone number/ cellular number and where available, an e-mail address. The member will advise the Recording-Secretary of any changes to their contact information. This information will be protected and used to communicate with members. Such communication will take the form of e-mail blasts, mail or telephone town halls.

In the case of a telephone town hall, the telephone number may be shared with a service provider under contract to the Local Union to provide the technical equipment to support such a virtual meeting.

Upon request, the Local Union will share the telephone contact information with CUPE National or CUPE Ontario Division. The purpose of sharing this telephone contact information with CUPE National or CUPE Ontario Division is so that the National Union or Provincial Division can conduct a telephone town hall with members on important matters.

# (f) Communication with Membership

All notices to the membership regarding meetings or any other matter that requires the Executive Board to contact the membership as a whole will be via e-mail, posted on the Union Bulletin Boards and on the website at [http://5209.cupe.ca.](http://5209.cupe.ca/)

# SECTION 5 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 5209 may be affiliated to and pay per capita tax to the following organization(s):

The CUPE Ontario Provincial Division

The Ottawa CUPE District Council

The Ontario Federation of Labour

# SECTION 6 – MEMBERSHIP MEETINGS

# (a) Regular Membership Meetings

Regular membership meetings of Local 5209 will be held on the second Tuesday of February, April, June, August, October and December. A change in time/ venue is allowed provided that sufficient notice {least seven (7) days} of the change is given to the membership. Notice of each regular membership meeting outlining the date, time and location shall be given to members at least seven (7) days in advance of the meeting.

When a statutory holiday or a situation beyond the control of the Local Union arises which causes the cancellation of a regular membership meeting, the Executive Board shall reschedule the regular membership meeting, and will give members seven (7) days’ notice of the date of the rescheduled regular membership meeting.

# (b) Special Membership Meetings

Special membership meetings of Local 5209 may be required and shall be called by the Executive Board or may be requested in writing by no fewer than five (5) members. The President shall immediately advise members when a special meeting is called and ensure that all members receive at least twenty-four (24) hours’ notice of the special meeting, the subject(s) to be discussed, the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

# (c) Quorum

The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be four (4)members, including two (2) members of the Executive Board.

# (d) Membership Meeting Agenda

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

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

(Article B.6.1)

# SECTION 7 – OFFICERS

The Officers of Local 5209 shall be the President, Vice-President, Recording-Secretary, Secretary-Treasurer and three (3) Trustees.

(Articles B.2.1 and B.2.2)

Each HFA site shall have 1 Steward that will be an Officer of Local 5209. The

Housing Services Department shall also have 1 Steward. Additionally, the By-Law Officer and the Health & Safety Officers from each department/ site shall be Officers of Local 5209.

The Signing Officers of Local 5209 shall be the President, Vice-President, Recording-Secretary and the Secretary-Treasurer.

# SECTION 8 – EXECUTIVE BOARD

1. The Executive Board shall include the Signing Officers, the Health & Safety Chair and the Grievance Chair.

(Article B.2.2)

1. The Executive Board shall meet at least eight (8) times per year.

(Article B.3.14)

1. A majority of the Executive Board constitutes a quorum.
2. The ExecutiveBoard 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.
3. 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.
4. Should any Executive Board member fail to answer the roll call for three (3) consecutive regular meetings or three (3) consecutive ExecutiveBoardmeetingswithouthavingsubmittedvalidreasons, their office shall be declared vacant and shall be filled at a by-election at the following membership meeting.

(Article B.2.5)

1. **Acting Outside of Meetings**

A majority of members of the Executive Board may take action or make any decision by phone or electronic communication. The President may contact the members of the Board by phone or electronic communication to request them to act. The action or decision has the same effect as if taken at a meeting. The action or decision shall be reviewed at the next meeting of the Board and shall be included in the minutes of the meeting.

(Article 7.5)

# SECTION 9 – DUTIES OF OFFICERS

Each Officer of Local 5209 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

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

(Article B.3.9)

All signing Officers of Local 5209 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.

(Article B.3.5)

# (a) President

The President shall:

* Enforce the CUPE National Constitution, these LocalUnion By-Laws and theEquality Statement.
* Interpret these By-Laws as required.
* Preside at all membership and Executive Board meetings and preserve order.
* Decide all points of order and procedure (subject always to appeal to the membership).
* Have the same right to vote as other members. In the case of a tie vote, the President may cast another vote or the President may refrain from casting an additional vote, in which case the motion is defeated.
* Ensure that all Officers perform their assigned duties.
* Fill committee vacancies where elections are not provided for.
* Introduce new members and conduct them through the initiation ceremony.
* Sign all cheques and ensure that the Local Union’s funds are used only as authorized or directed by the CUPE Constitution, Local Union By-Laws, or vote of the membership.
* 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.
* Have first preference as a delegate to the CUPE National Convention.

(Article B.3.1)

(b) **Vice-President**

The Vice-President shall:

* If the President is absent or not eligible, perform all duties of the President.
* Preside over 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.
* Render assistance to any member of the Executive as directed by the Executive Board.

(Article B.3.2)

# (c) Recording-Secretary

The Recording-Secretary shall:

* 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 Secretary-Treasurer. The record will also include Trustees’ reports.
* Record all amendments and/ or additions in the By-Laws and make certain that these are sent to the National President for approval prior to implementing.
* Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
* Keep a record of all correspondence received and sent out.
* Prepare and distribute all notices to members.
* Have all records ready on reasonable notice for the Trustees or auditors.
* Preside over membership and Executive Board meetings in the absence of both the President and Vice-President.
* Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local Union’s funds.
* Performs other duties required by the Local Union, its bylaws or the National Constitution.

(Article B.3.3)

(d) **Secretary-Treasurer**

The Secretary-Treasurer shall:

* 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.
* 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.
* Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including one (1) dollar of each initiation fee on all members admitted, no later than the last day of the following month.
* 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.
* Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
* Make a full financial report to the Local Union’s Executive Board.
* Make 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 CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.
* 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.
* Make all books available for inspection by the Trustees and/ or auditorson reasonable notice**.** Ensure that the books are audited every January and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
* Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
* Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union’s funds.
* Notify all members who are one (1) month in arrears and report to the Executive Board all members two (2) or more months in arrears in the payment of union dues.

(Articles B.3.4 to B.3.8)

# (e) Trustees

The Trustees shall:

* Audit the financial records of the Local Union and exercise general supervision over all property and assets of the Local Union.
* They ensure that the Secretary-Treasurer meets the requirements of Articles B.3.6 and B.3.7.
* Examine or inspect all property and assets of the Local Union at least once a year.
* After completing the audit, the Trustees must make a written report of any recommendations or concerns about how the Secretary-Treasurer keeps the financial records, funds and accounts of the Local Union. The written report will be sent to the President and Secretary-Treasurer.
* The Trustees will report in writing on the condition of the funds and accounts and the number of members in good standing, admitted, expelled, suspended or withdrawn to the next regular membership meeting of the Local Union. The written report will also contain:
  + - any information that the Trustees find necessary for the honest and efficient administration of the Local Union;
    - a copy of the written report made to the President and Secretary-Treasurer under Article B.3.12(a); and
    - A copy of the Trustees Report will be forwarded to the National Secretary-Treasurer and to the assigned National Representative.

Trustees act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the committees at least once every calendar year.

# (f) Stewards

The Stewards shall:

* Monitor workplace conditions and ensure they comply with the collective agreement.
* Be a member of the Grievance Committee.
* Deal with any complaints, investigate and settle grievances, and ensure that management abides by all of the clauses in the collective agreement.
* Act as the union's link\* to the membership.

\*You are in the workplace and have direct contact with members who, for whatever reason, may not attend local meetings or read union publications. For these people, you might be the only contact they have with their union local and the labour movement in general. Therefore, the more active contact you make with your membership and the more you educate them about unions and issues, the more involved they will become in their union.

# (g) Health and Safety Officers

The Health & Safety Officers will:

* Work to educate members on the importance of workplace health and safety.
* Prepare and present reports to the regular membership meetings.
* Organize an April 28th Day of Mourning ceremony each year.
* Participate on the Joint Health and Safety Committee (JH&SC) at their workplace.
* Ensure that the worker representatives on the JH&SC meet separately from the employer to prepare for meetings with the employer.
* Promote safe work procedures and environments so as to prevent illness and injury as a result of workplace factors.
* Immediately bring to the attention of the employer any workplace hazard that has the potential to cause members’ illness or injury.
* Work to eliminate all workplace hazards, be they physical, environmental, or social.

The Health & Safety Officers should be designated as a “Certified Worker Representatives” in accordance with the legislation in their respective jurisdictions (provincial, federal).

# (h) By-Law Officer

The By-Law Officer will:

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

The National Representative assigned to the Local Union shall be consulted during the review process.

# SECTION 10 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

### Nominations

1. Nominations will be received at the regular membership meeting held in the month of April.
2. Nominations will be accepted from members in attendance at the meeting or from those members who have submitted a scanned letter, that has been witnessed by another member, in an e-mail to 5209cupe@gmail.com; stating their intention to run if nominated at the April membership meeting, and if elected, their acceptance of the position.
3. To be eligible for nomination the nominee must have been accepted into membership and continue to be a member in good standing.

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

1. 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.
2. No member will be eligible for nomination if they are in arrears of dues and/or assessments.

### Elections

1. The President and Secretary-Treasurer are elected in odd years. The Vice-President and Recording-Secretary are elected in even years.
2. The Health & Safety Officers, the By-Law Officer and the Social Chair will be elected in even years. All Stewards shall be elected in odd years. The Grievance Chair shall be elected by the Stewards immediately after they have been voted in. The Health & Safety Chair shall be elected by the Health & Safety Officers immediately after they have been voted in.
3. At the membership meeting in February which is one month prior to Election Day, the President will, subject to the approval of the members present, appoint an Elections Committee consisting of a Chief Returning Officer and assistant(s). The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential.

The National Representative assigned to the Local Union shall serve as an advisor to the committee when requested by the Local Union.

1. The Executive Board will determine the form of the ballot and ensure that sufficient quantities are made available.
2. The Chief Returning Officer will be responsible for issuing, collecting, and counting ballots. The Chief Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.
3. The voting will take place at the regular membership meeting in April. The vote will be by secret ballot.
4. All officers are elected by majority vote of unspoiled ballots at a membership meeting of the Local Union.

(Article B.2.3)

1. Adequate notice must be given where the vote is held at a membership meeting.

(Article B.2.3)

1. 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 at least the number of members equal to the quorum for a membership meeting as set out in Section 6(c).
2. All election complaints by members will be submitted in writing to the Chief Returning Officer as soon as possible but in no circumstances will a complaint be valid if it is filed later than seven (7) days after the election. The Chief Returning Officer in conjunction with the Elections Committee will investigate the complaint and issue a ruling as soon as practical and report the ruling to the very next regular membership meeting.

### Installation of Officers

1. All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) year(s) or until a successor has been elected and installed, provided, however, that no term of office shall be less than one (1) year and no longer than three (3) years.

(Article B.2.4)

1. Initially, the terms of office for Trustees shall be so that one serves for a period of three years, one for two years, and one for one year. Each year thereafter, Local 5209 shall elect one Trustee for a three (3) year period to preserve overlapping terms.

(Article B.2.4)

1. No member who has been a Signing Officer for the Local Union is eligible to run for Trustee, until at least one (1) full term of office has elapsed.
2. The Oath of Office to be read by the newly-elected Officers is:

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

(Article 11.6(b))

### By-elections

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

### Resignation of Officers/ Committee Members

An Officer of the Union or any Committee member can resign by giving written notice, delivered either to the President or sent to the Union email.

# SECTION 11 – COMMITTEES

# Special Committees

A special committee may be established for a specified purpose and a specified period of time by the membership at a meeting. The members may be elected at a membership meeting, or may, by specific authorization of the membership, be appointed by the President or the Executive Board. Two (2) members of the Executive Board may sit on any special committee as ex-officio members.

# Negotiating Committee

This will be a special committee established at least six (6) months prior to the expiry of each Sub-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 will consist of three (3) members; 2 elected at a membership meeting 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 from formulating proposals, through negotiations, to contract ratification by the membership.

All members of Local 5209’s Negotiating Committee are encouraged to attend Level 1 and Level 2 of CUPE’s Collective Negotiating Educationals.

# (b) Permanent Committees

* The Chair of the Grievance Committee shall be decided by the Stewards.
* The Chair of the Health & Safety Committee shall be decided by the Health & Safety Officers.
* The Chair of the Social Committee will be elected by the members at a membership meeting.
* Permanent committees will have a term of two years.
* Committees will provide reports to each regular membership meeting.
* Two (2) members of the Executive Board may sit on any permanent committee as ex-officio members.

There shall be 3 permanent committees as follows:

# Grievance Committee

The Grievance 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 or not the grievance should proceed to arbitration/ mediation.
* If the decision is to not proceed, the grievor(s) may appeal the decision to the Executive Board.

The committee will consist of one (1) Steward from each department/ site, elected at a membership meeting. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.

# Health and Safety Committee

The H&S Committee will:

* Work to educate members on the importance of workplace health and safety.
* Prepare and present reports to the regular membership meetings.
* Organize an April 28th Day of Mourning ceremony each year.
* Participate on the Joint Health and Safety Committee (JH&SC) at their workplace.
* Ensure that the worker representatives on the JH&SC meet separately from the employer to prepare for meetings with the employer.
* Promote safe work procedures and environments so as to prevent illness and injury as a result of workplace factors.
* Immediately bring to the attention of the employer any workplace hazard that has the potential to cause members’ illness or injury.
* Work to eliminate all workplace hazards, be they physical, environmental, or social.

The Health & Safety Officer should be designated as a “Certified Worker Representative” in accordance with the legislation in their respective jurisdictions (provincial, federal).

The committee will consist of one (1) Health & Safety Officer from each department/ site, elected at a membership meeting.

# Social Committee

This committee will:

Arrange and conduct all social, cultural, and recreational activities of the Local Union, either on the committee’s own initiative or as a result of decisions taken at membership meetings. The committee shall submit reports and proposals to the Executive Board or to the membership as required.

A budget for the committee will be fixed annually by the membership but, other than that, all social, cultural**,** and recreational events and activities shall be self-supporting.

# SECTION 12 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS/ ATTENDANCE AT UNION MEETINGS OR FUNCTIONS

1. Except for the President’s option [Section 9(a)], all delegates to conventions**,** conferences, and educationals shall be chosen by election at membership meetings.
2. All delegates attending conventions, conferences, or educationals held outside the town of Ottawa shall be paid transportation expenses (at economy, tourist or coach rates) as determined by the Secretary-Treasurer, and a per diem allowance of seventy-five ($75.00) dollars for meals and expenses. The Local Union will reimburse the member for any loss of wages.
3. Delegates to conventions, conferences, and educationals or other union business leave, approved by the executive, held locally shall have no travel allowance. There shall be a per diem allowance of twenty-five ($25.00) dollars for attendance at the convention, conference and educational or other union business, such as meetings or functions that have been approved by the executive. The Local Union will reimburse the member for any loss of wages.
4. Local 5209 will provide members with their per diem allowance **prior** to their attending the convention, conference, educational or other approved union business, such as meetings or functions.
5. Local 5209 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals.

# SECTION 13 – CHILD CARE, DEPENDENT CARE AND ELDER CARE

Caring for children, dependents or the elderly are barriers to actively participating in the union or to attending membership meetings. Local 5209 is committed to removing barriers within its control so that all members have equal access to participation.

1. When it is practical and demand warrants\*, Local 5209 will provide on-site child care at all Local Union membership meetings. Where on-site child care is not provided, and in the case of dependent care or elder care, members will be reimbursed to a maximum of the minimum wage for each hour of required care. Reimbursement will be provided upon proof of payment.

\*People requiring on-site child care, will be required to submit in writing a request for on-site child care five (5) days prior to the event in order for the Local to either co-ordinate this or respond to the member(s) in question.

1. Any member who is on authorized Local 5209 business shall be eligible for child care, dependent care, and/or elder care expenses where required. Upon proof of payment, claims shall be reimbursed to a maximum of the living wage for the area for each hour of care required.
2. Claims will not be paid for a spouse, partner, or a family member who normally provides care without charges. Claims will not be paid for periods of time where a member would normally have paid for care such as during normal hours of work at their job.

# SECTION 14 – FEES, DUES AND ASSESSMENTS

### 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 Secretary-Treasurer and will be accompanied by an initiation fee of two (2) dollars which shall be in addition to monthly dues. The Secretary-Treasurer shall issue a receipt. If the application is rejected, the fee shall be returned.

(Articles B.4.1 and B.8.2)

### (b) Readmission Fee

The readmission fee shall be four (4) dollars.

(Article B.4.1)

### (c) Monthly Dues

Each member must pay regular monthly dues of one point five (1.5) percent.

(Article B.4.3 (a))

### (d) Amending Monthly Dues

The regular monthly dues may be amended at a regular or special membership meeting. The vote must be by secret ballot. Notice of at least seven (7) days at a previous meeting or sixty (60) days in writing must be given.

(Article B.4.3)

### (e) Assessments

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

(Article B.4.3)

\*Notwithstanding the above provisions, if the CUPE Convention/ or other affiliates raise minimum fees/ and or dues above the current levels, these By-Laws will be deemed to have been automatically raised to include the new updated fees.

# SECTION 15 – NON PAYMENT OF DUES AND ASSESSMENTS

A member who fails to pay dues and assessments for three (3) months is automatically suspended from membership. The suspension will be reported to the Executive Board by the Secretary-Treasurer. The Executive Board will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying a readmission fee and any other penalty set by the Local Union.

A member who has been unemployed or unable to work because of sickness shall pay the readmission fee but may not be required to pay arrears.

(Article B.8.6)

# SECTION 16 – EXPENDITURES

# (a) Payment of Local Union Funds

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

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

(Article B.4.4)

# (b) Payment of Per Capita Tax and Affiliation Fees

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

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

In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than fifty (50) dollars, a notice of motion must be made at a regular or special membership meeting before the grant or contribution can be paid out.

# (d) Authorization for Spending

No Officer or member of Local 5209 will be allowed to spend any Local Union funds without first having received authorization under Section 16(a) of these bylaws.

# (e) Petty Cash

CUPE 5209 has a membership approved Petty Cash Fund of $200. The petty cash fund may be used to pay small expenses. All other expenses must be paid by cheque signed by the Secretary-Treasurer and the President or another signing officer.

(Article B.4.4)

# SECTION 17 – HONOURARIUMS

The following Local Union Officers may be provided an honourarium as follows:

* President – seventy-five (75) dollars per month
* Vice-President – fifty (50) dollars per month
* Recording-Secretary – fifty (50) dollars per month
* Secretary-Treasurer – seventy-five (75) per month
* Grievance Chair – twenty-five (25) dollars per month
* Trustees – one hundred (100) dollars per audit

A honourarium is meant to be a token in recognition of the services of these Officers and the allowances are to recompense them in part for the time and personal resources spent in the service of the Local.

A honourarium must be reported by the recipient as taxable income and honoraria over certain levels must be reported by the Local to the Canada Revenue Agency.

# SECTION 18 – COMPLAINTS 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.

(Articles B.11.1 to B.11.5)

# SECTION 19 – RULES OF ORDER

All meetings of the Local Union will be conducted in accordance with the basic principles of Canadian Parliamentary Procedure. Some of the more important rules to ensure free and fair debate are appended to these bylaws as Appendix C. These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws.

In situations not covered by Appendix C to these bylaws, 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 20 – AMENDMENTS

# (a) CUPE Constitution

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

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

# (b) Additional Bylaws

Local 5209 can amend or add to these By-Laws only if:

* the amended or additional By-Laws do not conflict with the CUPE Constitution;
* the amended or additional By-Laws are approved by majority vote at a regular membership meeting or at a special membership meeting called for that purpose; and
* notice of the intention to propose the amended or additional By-Laws was given at least seven (7) days before at a previous membership meeting or sixty (60) days before in writing.

(Articles 13.3 and B.5.1)

# (c) Effective Date of Amended or Additional Bylaws

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

(Articles 13.3 and B.5.1)

# SECTION 21 – PRINTING AND DISTRIBUTION OF BYLAWS

Members will receive a copy of By-Laws Local Union 5209, either in paper format, e-mail or via the Local Union website at [http://5209.cupe.ca.](http://5209.cupe.ca/) Members with special needs may request a copy of the By-Laws in larger font.

# SECTION 22 – GENDER USAGE

Wherever the singular or feminine is used in this document it shall be considered as if the plural or masculine has been used where the context of the gender so requires.

# Appendix A

# CUPE NATIONAL EQUALITY STATEMENT

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

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

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

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

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

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

# Appendix B

# CODE OF CONDUCT

Local 5209 is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor and support new members and equity-seeking members.

Local 5209 strives to promote core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our union, our communities, and globally.

Local 5209 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 5209 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 5209 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 5209 sets out standards of behaviour for members at meetings, and all other events organized by Local 5209. It is consistent with the expectations outlined in the Equality Statement, CUPE National Constitution and these bylaws. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As members of Local 5209 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 comment or conduct;
* Make sure that we do not act in ways that are aggressive, bullying, or intimidating; and
* Take responsibility for not engaging in inappropriate behaviour due to abuse of alcohol or other drugs while participating in union activities, including social events.

Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behaviour which targets an individual or group and which threatens that person or persons’ mental and/or physical wellbeing.

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

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking the person to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. Once a complaint is received, a designated Officer of the Local Union will work to seek a resolution.
3. If this fails to resolve the matter, the designated Officer of the Local Union shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.

This Code of Conduct is designed to create a safe, respectful and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the By-Laws of Local 5209, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

This Code of Conduct does not replace a member’s right to access the trial provisions of the CUPE National Constitution.

# Appendix C

# RULES OF ORDER

1. The President will be the Chairperson at all membership meetings. In the absence of the President, the Vice-President will be the Chairperson at the membership meeting. In the absence of the President and Vice-President, the Recording Recording-Secretary will be the Chairperson at the membership meeting. In the absence of the President, Vice-President and Recording Recording-Secretary, members at the membership meeting will select a Chairperson by majority vote. Quorum rules must be met.
2. Members are not allowed to speak about an issue for more than five minutes. Members can only speak to an issue once unless there is agreement by the members at a meeting, or where all those wishing to speak have had the opportunity to speak.
3. The Chairperson of a committee who is making a report or the mover of a motion may speak for up to fifteen minutes. With the agreement of the members present, the fifteen minutes may be expanded.
4. The Chairperson will state every motion presented at a membership meeting before allowing debate on the motion. Before putting a motion to a vote, the Chairperson will ask: “Is the Local ready for the motion?” If no member rises to speak, the motion will be voted upon.
5. A motion must be moved and seconded. The mover and seconder must rise and be recognized by the Chairperson.
6. A motion to amend a motion, or a motion to amend an amendment are allowed, however a motion to amend an amendment to an amendment is not allowed.
7. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.
8. On motion, the regular order of business at a membership meeting may be suspended where two-thirds of those present vote to do so. The regular order of business should only be suspended to deal with urgent business.
9. Motions other than those named in Rule 19, or motions to accept or adopt the report of a committee, will, if requested by the Chairperson, be put in writing prior to beginning debate and vote.
10. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.
11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.
12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.
13. The Chairperson will keep a speakers list and in all cases will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.
14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.
15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.
16. Religious discussion of any kind is not permitted.
17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.
18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.
19. When a motion is before the members, no other motion is in order except a motion to:

1) adjourn;

2) put the previous question;

3) lay on the table;

4) postpone for a definite time;

5) refer; or

6) divide or amend.

These six motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.

1. 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.
2. A motion to adjourn is in order except when a member is speaking or when members are voting.
3. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.
4. 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 Recording-Secretary will count the standing vote.
5. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, “Will the decision of the chair be upheld?” A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.
6. At a membership meeting where a question has been decided any two members who voted with the majority can give notice of a motion to reconsider a decision of the membership at the next membership meeting.

The motion to reconsider requires the support of a two-thirds majority of members who vote. If two-thirds majority of members’ support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.

1. 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.
2. 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.