

***CANADIAN UNION OF PUBLIC EMPLOYEES***

***DURHAM NORTHUMBERLAND DISTRICT CUPE  
COUNCIL***

***LOCAL 9112***

***BYLAWS***



*November 2010*

**BY-LAWS**  
**OF THE**  
**CANADIAN UNION OF PUBLIC EMPLOYEES**  
**DURHAM NORTHUMBERLAND DISTRICT CUPE COUNCIL LOCAL 9112**

PREAMBLE

These By-Laws are designed to give proper balance to the administration of the Durham Northumberland District CUPE Council.

Duties and responsibilities of elected officers and members of the committees should be as widely dispersed as possible, rather than for the willing few to have to serve in multiple capacities. In other words, duties should be shared by the many rather than the few. While various committees have been designated as "Standing" committees, this does not preclude the possibility of special committees being established from time to time as may be required and necessary. In order to improve and maintain the social and economic welfare of its members, and to give clear evidence of its recognition of the unity of organized labour, this Council has been formed and does now establish these By-laws for its Government.

The Constitution of this Council shall be the Constitution of the Canadian Union of Public Employees.

ARTICLE 1 – NAME

This Council chartered by the Canadian Union of Public Employees shall be known as Canadian Union of Public Employees Durham Northumberland CUPE District Council, and it shall be subject to the Constitution of the Canadian Union of Public Employees and the Canadian Labour Congress.

It should consist of all locals serviced by the CUPE Oshawa Area Office.

ARTICLE 2 – OBJECTIVES

The objectives of this Council are:

1. To use its influence to unite its affiliates in coordinating a collective bargaining program.
2. To assist in the organization of the unorganized Public Employees in the locality.

3. To secure legislation which will safeguard and improve the rights of Public Employees, through maximum participation of its affiliates in the Durham Region Labour Council, Ontario Federation of Labour, Ontario Division of CUPE and support of the overall program the Canadian Union of Public Employees.
4. To aid and encourage the use of Union made goods and services.
5. Obtain maximum participation by locals in the program of the Canadian Union of Public Employees.
6. A voice on your council.
7. Mutual support in bargaining, strike averting and on the picket line.
8. Networking and information-sharing.
9. Access to bargaining and workplace resources and area-wide contacts.
10. To provide educational opportunities and leadership training.
11. Increase public awareness and coordinated community action.
12. Liaison with CUPE National, CUPE Ontario and other labour organizations.

#### ARTICLE 3 – POWERS

- a) When, and if, the Council becomes defunct, its funds and property shall revert to the Canadian Union of Public Employees.
- b) The National Executive Board shall have the same power over this Council as over Chartered Local Unions in accordance with the terms of the Canadian Union of Public employees Constitution.
- c) The Council shall have only co-coordinating and advisory powers. Policy shall remain vested in the locals union, in accordance with Canadian Union of Public Employees Constitution.

#### ARTICLE 4 – MEMBERSHIP

- a) Membership in this Council shall be open to all Local Unions serviced by the Oshawa Area Office, chartered by the Canadian Union of Public Employees. To remain as an affiliate, a Local Union must abide by the Constitution and By-laws of this Council.

- b) This Council shall not be dissolved while there are five (5) Local Unions remaining in affiliation.

#### ARTICLE 5 – REPRESENTATION

- a) Each affiliated Local Union shall be entitled to have four (4) voting delegates present at any regular or special meeting of this Council. Alternate delegates may be appointed or elected by each affiliate, who may also attend membership meetings with voice, but affiliates shall be allowed only four (4) voting representatives at any meeting.
- b) Any affiliate, which is three (3) or more months in arrears in per capita tax payment to this Council, may be liable to suspension of affiliation.
- c) National Executive Board members and Staff Representatives may attend Council meetings with voice, but without vote.
- d) Retired Members Association of Durham Northumberland District CUPE Council may attend council meeting with voice and vote.

#### ARTICLE 6 – MEMBERSHIP FEES

- a) Each affiliate shall pay a per capita tax of fifteen cents (\$0.15) per member per month; such per capita shall be paid quarterly in advance. Per Capita to the Council shall be paid on the same membership basis as applies in per capita payment to the Canadian Union of Public Employee.
- b) All monies collected by the Treasurer for per capita tax or from any other source, shall remain in the property of this Council until properly expended and any affiliate ceasing to be an active member of the Council shall forfeit all rights, title and interest in and to, the property of this Council, or any part thereof.

#### ARTICLE 7 – OFFICERS AND ELECTIONS

- a) The officers of this Council shall consist of a President, two (2) Vice-Presidents one from a Durham Region local and one from a Northumberland county local, a Secretary, a Treasurer, and an Education Officer who shall constitute the Executive Board.
- b) All candidates shall be fully accredited delegates to the Council.

- c) Nominations and elections shall take place every two (2) years at the first General Membership meeting held in that year, for a President, two (2) Vice-Presidents, Secretary, Treasurer and Education Officer. The Trustee Committee shall be elected as per ARTICLE 10 Subsection (d). No person shall be nominated or elected to office unless he is present at the nomination and election meeting, or unless his proposer has his official consent in writing.
- d) Elections of officers will be by secret ballot, and the presiding Officer will appoint a returning officer and scrutinees from among the delegates to count the same.
- e) In the event of a vacancy in any office, the President shall appoint a member to fill the vacancy until an election can be called. In the event of a vacancy in the position of President, the Executive shall appoint one of the Vice-Presidents to perform the duties of President until a successor is elected. Elections shall be called as soon as possible after the vacancy occurs.
- f) If an executive member becomes an employee of the CUPE National, they have to step down, while they are on leave.

#### ARTICLE 8 – DUTIES OF OFFICERS

- a) President:  
It shall be the duty of the President to preside at all meeting of this Council, preserve order and decorum, and enforce the Constitution of By-laws. Special meetings shall be held when deemed advisable by the President or on written petition from ten (10) delegates representing five (5) or more affiliated local unions. The President shall be Ex-Officio of all committees.  
  
He shall be the spokesman for all delegations representing this Council, unless some other member is appointed by him to take his place. He shall perform such other duties as are required of him by the delegates. He shall sign all official documents and shall be one of the signing officers for the disbursements of funds. He shall have first preference as a delegate to CUPE National Convention and the Ontario Division Convention.
- b) Vice-Presidents:  
It shall be the duty of the Vice-Presidents to assist the President in the discharge of his official duties, and in the absence of the President, one of the Vice-Presidents shall discharge the duties of the President. He shall keep a record of all members present at all meetings of Council. In the absence of the President or the Treasurer, he shall be one of the signing officers for the disbursement of funds. The Vice-Presidents shall have second preference as a delegate to CUPE National Convention and the Ontario Division Convention.

Should both Vice-Presidents wish to exercise their second preference right, then an election will be held.

Secretary:

It shall be the duty of the Secretary to keep a correct record of the proceedings of all the meetings of this Council. He shall read same at all general meetings, and upon approval submit them for the signature of the presiding officer. He shall refer all communications to the Executive Board or presiding officer, and shall read such as are requested. He shall record all Officers present at every meeting. He shall notify all members when there is to be a meeting. Incoming and outgoing communications will be coordinated by the Secretary.

c) Treasurer:

The Treasurer shall maintain a proper system of bookkeeping, purchase the necessary books and stationary for the purpose, carry out the instructions of the Council, be prepared at any meeting to inform the President of the bank balance, pay all bills authorized by the Council, but only when presented with an order, signed by the proper signing officers. When attending the regular meetings, he shall present a written report of all financial transactions made during the previous months, and they shall be available for inspection. He shall be guided by the recommendations of the auditing committee.

d) Education Officer:

The Education Officer shall coordinate the Spring and Fall and any other educational sessions as directed by the Executive Board.

e) Executive Board:

The Executive Board shall consist of President, two (2) Vice-Presidents, Secretary, Treasurer and Education Officer; they shall have general supervision of the affairs of the Council between regular meetings. They shall meet prior to the regular meetings, and they shall consider and make recommendations on all matters arising out of the business of this Council. Three (3) members of this committee shall constitute a quorum. President of the Retired Members' Association may attend executive meetings with voice but with vote.

The Executive Board shall coordinate regular Leadership Meetings for all CUPE Activists.

## ARTICLE 9 - MEETINGS

- a) The Council shall hold four (4) regular meeting in each calendar year with a starting time of 7:00 p.m.

This Council shall call additional Leadership and special meetings throughout the year.

- b) A quorum shall consist of eight (8) eligible delegates for all regular and special meetings of the Council with representation from at least four (4) affiliated locals.
- c) In the event that a quorum is not present within fifteen (15) minutes after the time scheduled, the Chairman shall declare all business referred to the Executive Committee and shall adjourn the meeting.

#### ARTICLE 10 - STANDING COMMITTEES

- a) There may be four (4) Standing Committees as follows:

Trustee Committee  
Education Committee  
Women's Committee  
Political Action Committee

- b) All Standing Committees shall present regular reports to meetings of this Council along with any appropriate recommendation.
- c) No expenditure by any Committee shall be incurred unless same has been approved by the Council. Between council meetings, the President may approve and be held accountable for such expenditures.

- d) Trustee Committee:

The Trustees shall be three (3) members elected at the annual election of Officers. Each Officer shall be elected for a term of one, two and three years. They shall at their first meeting elect a chairman who shall present the trustee's report annually. They shall at the end of each year make detailed audit of all books, receipts, accounts and expenditures of the Council, and shall have the power to demand and receive all books or information in the possession of any officer or member of the Council at any time. They shall at their discretion recommend to the general meeting that a general audit be carried out by a firm of recognized Chartered Accountants. They shall report to the National Secretary-Treasurer of CUPE on forms provided by the National Office. Fifty (50) percent attendance at General Membership meetings is required to qualify for out of pocket expenses.

- e) Education Committee:

It shall be the duty of the Education Committee to keep the Council informed on all matters pertaining to education.

The Education Officer shall also assist in the organization of the unorganized public employees in the locality in conjunction with the organizing program of CUPE.

f) Political Action Committee:

This Committee is responsible for organizing regular activities that meet established goals and objectives and build the Council's political action capacity in Durham Region and Northumberland County through the use of effective political pressure. The Committee will mobilize CUPE members in our area to influence public policy at all levels of government. The Committee will focus on activities that maximize our winning tactics and build a stronger political action network.

g) Women's Committee:

This Committee is responsible for organizing regular activities to mobilize CUPE women to implement change in the workplace and the union hall such as raising wages, gaining workplace equality and promoting union activism. The Committee will identify the unique problems of women workers such as child care, pay equity, employment equity, harassment and spousal leave, provide a forum to share experiences and support women in their activism.

### ARTICLE 11 – AMENDMENTS TO THE BY-LAWS

The By-laws of the Council may be changed by two-thirds (2/3) majority vote of the delegates present at a regular meeting of the Council if notice of amendment has been presented in writing at the immediately preceding meeting, and provided it does not conflict with the Constitution of the Canadian Union of Public Employees. Any amendment shall become effective after approval by the National President of the Canadian Union of Public Employees.

### ARTICLE 12 – INTERPRETATION

Whenever the masculine or singular has been used throughout these by-laws, it shall be deemed to include the feminine or plural when the context so allows or requires.



ARTICLE 13 – POLICY

- a) In all matters not regulated, Baronets Rules of Order shall govern.
- b) Council shall inform the affiliated Local Unions, twice a year, of the attendance record of their delegates, upon request.
- c) i) Delegates elected to conventions or seminars held outside of the Durham Region, shall have their transportation paid at the rate of fifty-two cents (\$0.52) per kilometer, per diem allowance of one hundred dollars (\$100.00) for expenses and an amount equal to any loss of salary necessitated at the conventions or seminars plus accommodation expenses. However, if such convention, conference or seminar is no longer than half-day in length, the rate shall be **fifty** dollars (\$50.00) for per diem allowance.
- d) Out of Pocket Expenses shall be paid twice yearly (½ in May, ½ December) according to the following schedule:

Effective 2007:	President	\$1200.00 per annum
	Vice-President	\$1000.00
	Secretary	\$1000.00
	Treasurer	\$1000.00
	Education Officer	\$1000.00
	Trustee	\$100.00 per audit and presentation

The out of pocket expenses will be reviewed yearly the month prior to election. The Out of Pocket Expenses may be withheld if in the opinion of the Executive (subject to membership approval); the duties of the office have not been carried out satisfactorily. The person having the allowance withheld may appeal to the next membership meeting. The membership vote shall be final.

- e) Affiliated local unions wishing to submit any matter that it deems in the interest of the affiliate or in the interest of organized labour or in the interest of the public, may submit such matter in writing to the Secretary fourteen (14) days prior to the meeting at which the affiliated organization wishes the matter presented for debate.
- f) Request for Council support in obtaining a position on the National or Ontario Division Executive must be made at a regular meeting. If more than one person seeks the same position, a vote by secret ballot will be held to select the Council's choice.
- g) Council's choice for support will get up to three hundred dollars (\$300.00) each for a campaign, to a maximum of one thousand five hundred dollars (\$1,500.00) per year.

- h) Appeals: Durham and Northumberland locals serviced by the Oshawa Area office fifty dollars (\$50.00) per appeal. Other CUPE locals twenty-five dollars (\$25.00) each.
- i) Federal, Provincial and Municipal Election Support up to legal maximums.
- j) The Executive Board has spending authority up to a three hundred (\$300.00) limit per month to be used at the Board's discretion.

### ORDER OF BUSINESS

1. Roll call of Officers
2. Reading of Equality Statement
3. Installation of new affiliates
4. Reading of minutes of the previous meeting
5. Correspondence
6. Treasurer's report
7. Executive Board Report
8. Reports of Standing Committees
9. Reports of Special Committees
10. Nominations and Election
11. Unfinished Business
12. Reports of Affiliates
13. New Business and Good and Welfare
14. Adjournment

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