

**CONSTITUTION AND BY-LAWS**

**OF THE**

**NORTHWESTERN ONTARIO**

**CUPE COUNCIL**

**OF PUBLIC EMPLOYEES**

Approved by Membership – April 12, 2014

Wo/cope491

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## ARTICLE 1

### JURISDICTION AND MEMBERSHIP

#### SECTION 1

This organization shall be known as the NORTHWESTERN ONTARIO CUPE COUNCIL and shall be affiliated and chartered with the Canadian Union of Public Employees.

#### SECTION 2

The jurisdiction area of this council shall cover Northwestern Ontario.

#### SECTION 3

Membership in the NORTHWESTERN ONTARIO CUPE Council shall be confined to Local Unions within its jurisdiction which are chartered by the Canadian Union of Public Employees and are in good standing therewith.

#### SECTION 4

Application to affiliate to the NORTHWESTERN ONTARIO CUPE Council shall be made, in writing, to the Secretary of the Council and election to membership shall be by majority vote of the Executive Board.

#### SECTION 5

Member unions shall conform to the Constitution of the Canadian Union of Public Employees and to the By-Laws of this Council as set forth in the following Articles.

#### SECTION 6

Dues shall be recorded monthly, submitted quarterly by the 15<sup>th</sup> of April, July, October and January, at the rate of Forty Cents (\$.40) per member for full-time and Twenty-Five Cents (\$.25) for part-time members. Payment shall be made by cheque or money order, with per capita form provided.

## SECTION 7

This CUPE Council shall not be dissolved so long as three (3) Local Unions shall continue in affiliation.

## ARTICLE 2

### OBJECTIVES OF THE COUNCIL

#### SECTION 1

*The objectives of this Council shall be:*

- a) to promote the organization of the workers generally and of public employees in particular.
- b) to advance the social, economic and general welfare of public employees and retirees.

#### SECTION 2

The Council shall promote and support legislation favourable to public employees through all channels available.

#### SECTION 3

The Council shall make every effort to build up, in the public mind, prestige and appreciation of the services rendered by public, civic and municipal employees.

#### SECTION 4

The Council shall endeavour to bring member Locals into closer relationship by:

- a) assisting them to co-ordinate their efforts to improve the conditions of employment of their membership.
- b) gathering and dissemination of information.
- c) rendering such other services as they may require from time to time.

- d) encouraging and co-ordinating the formation of a "Retirees Association" from each affiliated Local for the purpose of bringing the concerns of our Retirees to the proper political bodies.

## SECTION 5

The Council shall advance and maintain the principles of trade unionism by promoting and assisting in educational efforts and shall promote the Union Label by encouraging members to patronize Union shops and ask for Union made goods.

## SECTION 6

Special Committees may be established whenever necessary through election by the membership (i.e. Political Action, Employment Equity, Education Committee)

## ARTICLE 3

### DELEGATES TO ANNUAL SCHOOL

#### SECTION 1

The Council School shall be held a minimum of once per year.

#### SECTION 2

Delegates to this Council shall be members who are in good standing in the Local which they represent.

#### SECTION 3

Each delegate, alternate delegate or non-voting delegate to the Annual Convention shall be elected in the same manner as the Officers of the Local Unions.

## SECTION 4

Representation of the Council School shall be a maximum of five (5) voting delegates per affiliated Local. In addition, non-voting delegates shall be seated upon presentation of the proper credentials.

## SECTION 5

Local Unions shall have the option of sending one (1) delegate of the full quota of delegates, only one (1) vote per delegate present.

## ARTICLE 4

### ELECTION OF THE EXECUTIVE BOARD

#### SECTION 1

The officers of the Council shall be a President, Secretary, Treasurer and one (1) Vice-President from the following areas:

Kenora north to Sioux Lookout including Dryden and Red Lake, Thunder Bay west to Quetico and Superior North and Fort Frances from Atikokan to Rainy River and the Greenstone Region.

#### SECTION 2

- a) Should any other area within the jurisdiction of the Northwestern Ontario CUPE Council affiliate with the Council, they shall be entitled to appoint an interim representative. Should any Vice-President of the Executive Board resign, the Locals in his/her area may appoint an interim representative. Whenever interim representatives are appointed, elections shall be conducted at the next Council School.
- b) In the event of resignation of the offices of President, Secretary or Treasurer, the remaining members of the Executive Board shall have the authority to appoint a member to fill the vacancy on an interim basis until the next Council School.

### SECTION 3

- a) The Officers shall be elected during the Council School every other year. Elections shall be conducted by secret ballot, one delegate one vote, with a simple majority. Only regular delegate, as indicated in Article, 3 Section 5, shall be allowed to vote.
- b) Three (3) Trustees shall be elected in accordance with Article B.2.4 of the National Constitution.

### SECTION 4

To be eligible for election or re-election to any office, candidates must be accredited delegates to the Council School.

### SECTION 5

The term of office of all elected Officers shall commence immediately following the adjournment of the Council School.

## **ARTICLE 5**

### **DUTIES OF THE EXECUTIVE BOARD**

#### SECTION 1

All signing Officers of the Northwestern Ontario CUPE Council shall be bonded through the masters bond held by CUPE National. Any officer who cannot qualify for the bond shall be disqualified from having signing authority.

#### SECTION 2

The President shall function as Chief Officer of the Council and shall sign all official documents, preside at all meetings, regular, special and Executive Board. He/she shall see that other Officers of the Board carry out their duties. He/she shall have power to call meetings of the Executive Board.

### SECTION 3

The Vice-President of the area shall perform the duties of the President in the latter's absence or if requested to do so by him/her and shall be responsible for all arrangements for the Council Schools that take place in his/her area.

### SECTION 4

- a) The Secretary shall keep records of the proceedings of all meetings, take charge of all the correspondence or other documents pertaining to the Council's business and circulate Minutes of the Council meetings to affiliated Local Unions.
- b) The Treasurer shall keep all accounts of the Council, receive all dues or other monies paid to the Council from any other source, issue receipts and deposit all such in the Bank as the Council shall direct. He/she shall make all disbursements for the Council in the manner provided in the next succeeding paragraph.

### SECTION 5

- a) Expenditures of the Council shall be for the purpose of the Council only and in all cases shall be made by cheque, signed by the Treasurer and counter-signed by the President or other Executive member with signing authority. There shall be a minimum of three (3) Executive members who have signing authority.
- b) All Strike appeals shall be dealt with immediately as they are received. Once majority approval has been given by the Executive Board, the Treasurer shall remit a Twenty-five dollar (\$25.00) donation to CUPE Locals and a Ten dollar (\$10.00) donation to non-CUPE Locals.

### SECTION 6

The Treasurer of the Council shall prepare a Financial Statement of the Accounts for presentation at each Executive Board Meeting.



## SECTION 7

The Trustees shall audit all financial records and complete the Trustees Report in accordance with the requirements of the National Constitution.

## SECTION 8

The Executive Board shall be the governing body of the Council between Schools. It shall take such action as may be necessary to carry out the instructions of the Council school and special meetings of the Council and enforce the provisions of its By-Laws It shall prepare plans and be responsible for carrying out the objectives and the policies of the Council and generally manage its affairs in the interest of its affiliates.

## ARTICLE 6

### NORTHWESTERN ONTARIO CUPE COUNCIL MEETINGS

#### SECTION 1

Executive Board Meetings will be held three (3) times per year unless otherwise specially called and all Vice-Presidents shall be notified of regular or special meetings as far in advance as possible with the order of business specified. Conference calls will be utilized as required.

#### SECTION 2

Special Meetings of the District Council may be called at the request of any three (3) affiliated Locals or by the call of the President and the Secretary of the Council; where the Secretary shall ensure all are notified.

#### SECTION 3

Notice of all Annual Meetings shall be sent to affiliated Locals and in the case of Special Meetings, the business of the meetings shall be stated in the notice and no other business shall be dealt with at the meeting.

## SECTION 4

All decisions of all meetings, shall be by majority vote of delegates present. A quorum of the Executive Council shall be three (3) for a Council meeting. A quorum shall consist of six (6) delegates representing a minimum of two (2) affiliated Local Unions of the Canadian Union of Public Employees.

## SECTION 5

The per diem allowance for all meetings of the Executive Board attending a Board meeting shall be that which is paid by National for in town and out of town. Executive members attending such meetings or other Council Business shall be reimbursed for any lost wages. Hotel and loss wages shall be reimbursed at actual costs. All CUPE Council delegates will receive per diem equal to the National Union's rate as amended from time to time. Any ground transportation required from point of arrival by plane, train or bus to accommodation shall be reimbursed at actual cost upon presentation of receipts.

## SECTION 6

### Expense Allowance and Incidental Expenses

The following expense allowances shall be provided annually:

President	\$	500.00
Vice Presidents from each area		500.00
Secretary		500.00
Treasurer		500.00

## SECTION 7

Each Trustee shall receive Seventy-Five Dollars (\$75.00) per annual audit plus approved transportation and room allowance. The Trustees shall be reimbursed for any lost wages incurred.

## ARTICLE 7

### DELEGATES TO OTHER CONVENTIONS, CONFERENCES AND SEMINARS

#### SECTION 1

The President of the Northwestern Ontario CUPE Council will have first option to Conventions, Conferences and Seminars that have received majority approval of all Executive Members. In the event the President is unable to attend then each Vice-President will be asked to attend in his absence. If all Vice-Presidents wish to attend then a majority vote of the Executive Members will decide which Vice-President will attend. If no Vice-President is available to attend then both the Secretary and Treasurer will be asked to attend. In the event both parties wish to attend then a majority vote will decide who will attend. In the event no Executive member is able to attend then the Trustees will be asked to attend. A majority vote of the Executive members will vote and decide which trustee will attend. If no Trustee is available to attend then no one will be sent.

#### SECTION 2

All Northwestern Ontario CUPE Council delegates elected to Conventions, Schools and Seminars, etc. shall be paid transportation expenses at economy rates for airfare. If the schedules conflict with meeting times, a travel per diem will apply for those using personal transportation. (The National Union's rate per kilometer shall apply.) The per diem rate of meals will also be the same as that of the National rate. Hotel, ground transportation (to and from Hotel) and loss of wages shall be reimbursed at actual costs. All CUPE Council delegates will receive per diem equal to the National Union's rate as amended from time to time.

#### SECTION 3

All Northwestern Ontario CUPE Council delegates to Conventions, Conferences and Seminars shall submit a written report to the Secretary of the Council prior to the next following Executive or General Meeting after their return, whichever comes first.

## SECTION 4

All delegates elected to a convention, conference, school, seminars, etc. shall be liable to refund all monies paid by the Northwestern Ontario CUPE Council on their behalf unless they can provide a valid reason for not attending.

### ARTICLE 8

#### AMENDMENTS TO THE BY-LAWS

##### SECTION 1

Amendments to these By-Laws, so long as they do not conflict with the Constitution of the Canadian Union of Public Employees, nor its principles and policies, may be adopted, provided that notice of the proposed amendments in writing are presented to the Executive Board forty-five (45) days prior to the date of the Council School.

##### SECTION 2

All amendments shall require a two-thirds majority vote for adoption.

### ARTICLE 9

#### ORDER OF BUSINESS

##### SECTION 1

At the opening of the meeting, the President shall take the Chair and shall conduct the business in the following order:

- 1) Equality Statement
- 2) Roll call of Officers.
- 3) Voting on Applications to Affiliate from area CUPE Locals.
- 4) Reading of the previous minutes.
- 5) Matters arising out of the minutes.
- 6) Financial Report and Bills.
- 7) Correspondence.
- 8) Elections
- 9) Reports of the Area Vice-Presidents

- 10) Reports of the Area Representatives
- 11) Reports of delegates to Conventions, etc., and/or committees
- 12) Unfinished Business.
- 13) New Business.
- 14) Good and Welfare of the Council.
- 15) Adjournment.

## SECTION 2

The President, in his/her absence or at his/her request, shall appoint a Vice-President to take the chair at the time specified, at all regular and special meetings. In the absence of both the President or his/her designated representative, a Chairperson shall be elected by the delegates present.

## SECTION 3

No question of a sectarian character shall be discussed at meetings.

## SECTION 4

When a delegate wishes to speak, he/she shall be first recognized by the Chairman and shall give his name and the organization he/she represents and shall confine his/her remarks to the question at issue.

## SECTION 5

A delegate shall not interrupt another except it be to call a Point of Order.

## SECTION 6

If a delegate is called to order, he/she shall, at the request of the Chairman, take his/her seat until the question of order has been decided.

## SECTION 7

Should a delegate persist in unparliamentary conduct, the Chairman will be compelled to name him and submit his/her conduct to judgment of the meeting. In such a case, the delegate whose conduct is in question should explain then withdraw, and the meeting will determine what course to pursue in the matter.

## SECTION 8

When a question is "put", the Chairman, after announcing the "question" shall ask, "Are you ready for the question?" If no delegate wishes to speak the question shall be "put".

## SECTION 9

Questions may be decided by a show of hands or a standing vote, but a roll call vote may be demanded by 30% of the delegates wishing to speak the question shall be "put".

## SECTION 10

A delegate may appeal to the decision of the Chair. The Chairperson shall then put the question thus: "Shall the decision of the Chair be sustained?" The question shall not be debatable but the challenger may explain his/her reasons for the challenge and the Chairperson may give an explanation for his/her decision before the vote on the question is put.

## SECTION 11

The Chairman shall have the right to vote in order to break a tie.

## SECTION 12

When the previous question is moved, no discussion or amendment of either motion is permitted. If the majority vote that "the question be put" the original motion has to be put without debate. If the motion is defeated, discussion will continue on the original motion.

## SECTION 13

All rules and proceedings of debate not herein provided for shall be decided in accordance with BOURINOT'S RULES OF ORDER.