



Constitution 2020

Canadian Union of Public Employees
Ontario

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Canadian Union of Public Employees ONTARIO DIVISION

CONSTITUTION

PREAMBLE

This Constitution is designed to give proper balance to the administration of CUPE Ontario. Duties should be shared by many, rather than the few. While various committees have been designated as "Standing Committees", this in no way precludes the possibility of further 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, CUPE Ontario has been formed, and does now establish this Constitution for its government.

ARTICLE 1 • NAME AND AUTHORITY

- (a) This organization, chartered as "Canadian Union of Public Employees, Ontario Division", shall be known as "CUPE Ontario" and shall hereinafter be referred to as "CUPE Ontario".
- (b) CUPE Ontario shall be subject to the Constitution of the Canadian Union of Public Employees.

ARTICLE 2 • OBJECTIVES

- (a) The objectives of CUPE Ontario shall be:
 - 1. To advance the efficiency of public employees generally and the Labour Movement as a whole.
 - 2. To support the objectives of the Canadian Union of Public Employees, as set out in Article II of the Canadian Union of Public Employees' Constitution.
 - 3. To promote suitable legislative measures within the Province to further the interests, aims and objectives of its member local unions as from time to time prevail.

4. To promote the maximum participation of locals in CUPE Ontario, the Canadian Union of Public Employees, the Canadian Labour Congress, Provincial Federations, CUPE District Councils, Labour Councils, Bargaining Councils and Sectors.
 5. To assist in the organization of unorganized workers generally, and public employees in particular, in this Province.
 6. To promote such educational, legislative, social and other activities as may assist the affiliated locals.
 7. To obtain maximum participation by locals in programs in the Canadian Union of Public Employees.
 8. To obtain the maximum participation of public employee retirees in legislative, social and other activities that may affect their welfare in retirement.
- (b) The policy of this body is to conduct its business in a peaceful and lawful manner.
- (c) CUPE Ontario stands unequivocally for equality and will oppose discrimination on the basis of age, ancestry, class (economic status), colour, creed, disability, family status, genetic characteristics, gender identity, gender expression, language, marital status (including single status), national or ethnic origin, place of origin, political affiliation, race, record of offences, religion, sex (including pregnancy and breastfeeding) or sexual orientation.

ARTICLE 3 • MEMBERSHIP

- (a) The membership of CUPE Ontario shall be open to any local union, provincial union, district council or council of unions chartered by, and in good standing with, the Canadian Union of Public Employees.
- (b) A local union, once affiliated, ceasing membership in CUPE Ontario, must pay all per capita tax arrears for the time outside the membership of CUPE Ontario, but not to exceed one year's per capita tax, to be fully reinstated as affiliated members. The foregoing shall be subject to formal appeal to the CUPE Ontario Executive Board by any delinquent local for relief from the provisions of this section. Such decision is to be submitted to the next Convention for approval or amendment.

ARTICLE 4 • CONVENTIONS

(a) **Date and Location**

CUPE Ontario shall meet annually, the date and time of the next Convention shall be fixed by the Executive Board having regard for time and place of other Conventions held by organizations to which CUPE Ontario and its members are affiliated. CUPE Ontario Conventions may be planned up to five years in advance, taking into consideration such invitations as are forthcoming from affiliates.

(b) **Convention Call**

The Convention Call shall be in the hands of the affiliates at least one hundred and twenty (120) days prior to the date of the Convention and the Convention Call shall set out the last date for Resolutions to be considered at the Convention.

(c) **Special Convention Call**

A special Convention called for the purpose of considering an emergent matter referred by the Executive Board shall be in the hands of the affiliates at least forty-five (45) days prior to the date of the Convention and shall only discuss the matters presented by the Executive Board.

(d) **Representation**

At all Conventions of CUPE Ontario, the basis of representation from affiliated organizations shall be:

1. From local unions paying per capita tax on –

No. of Members	No. of Delegates
1 to 100	Two
101 to 200	Three
201 to 300	Four
301 to 400	Five
401 to 500	Six
501 to 600	Seven
601 to 700	Eight
701 to 850	Nine
851 to 1000	Ten

and one additional delegate for each additional five hundred (500) membership or major portion thereof.

2. a) From district councils the basis for representation shall be two (2) delegates per affiliated council. For councils of unions, the basis for representation shall be one (1) delegate per affiliated council of unions. Representatives from district councils or councils of unions must hold membership in an affiliated local union.
 - b) To be entitled to representation in Convention, a local union shall have paid per capita tax on its total membership up to and including March 31st of each year in which the Convention is held. Such payment must be received by April 30th. Locals must pay before being seated. Any local which has not paid up its per capita will be subject to the Convention late fee for all delegates being seated.
 - c) The membership upon which the per capita payment for the last quarter of the calendar year preceding Convention is made shall be used for the purpose of determining delegate representation at Convention.
 - d) A district council or council of unions shall have paid its annual affiliation fee by April 30th. A district council or council of unions must pay before being seated. Any district council or council of unions which has not paid its annual affiliation fee will be subject to the Convention late fee for all delegates being seated.
 - e) Local unions having less than one hundred (100) full-time members may make application to the Executive Board for transportation and registration fee subsidization to assist in their sending of a delegate to CUPE Ontario Convention or conferences, and the Executive Board is empowered to act thereon.
 - f) Local unions sending one or more delegates who identify as a member of an equity seeking group (indigenous, LGBTQ2+, racialized, women, workers with a disability and/or young workers) to the CUPE Ontario Convention shall be entitled to one (1) additional delegate.
3. In addition, all locals, district councils, bargaining councils, and other affiliated organizations are eligible to send one (1) retiree delegate with voice but no vote except for a vote in a caucus of registered retiree delegates to elect their representative.

(e) **Alternate Delegates**

1. An affiliated local union, district council or council of unions may elect alternate delegates to attend annual Conventions. An alternate delegate shall be entitled to attend sessions of the Convention, shall be entitled to voice but no vote, except in the absence of a duly elected delegate. For the purpose of this section, the duly elected alternate delegate must be in possession of a delegate's badge prior to being afforded vote. It shall be the responsibility of the presiding officer to ensure that the intent of this section is carried out.
2. At all Conventions of CUPE Ontario, the basis of alternate delegate representation from affiliated organizations shall be:

From local unions paying per capita tax on -

No. of Members	No. of Alternates
75 members or less	One
76 to 500	Two
501 to 1000	Three
1001 and up	Four

From district councils, or councils of unions, the basis for representation shall be one alternate per affiliated council. Representation from district councils or councils of unions must hold membership in an affiliated local union.

(f) **Registration Fees**

Delegates, alternate delegates and guests (other than official guests and retirees) to the annual Convention shall pay a registration fee, the amount of which shall be determined by the Executive Board.

(g) **Quorum**

A quorum shall be one-half of the voting delegates properly credentialed and seated at any regular Convention of CUPE Ontario.

(h) **1. Resolutions**

All resolutions to be considered at a Convention must be submitted by a local union or district council, or by the Executive Board of CUPE Ontario, or committee thereof, so that they are in the office of the Secretary-Treasurer no later than forty-eight (48) days prior to the Convention, and must not exceed two hundred (200) words in total. All

resolutions must be submitted under the letterhead of the affiliate submitting same, and signed by the presiding officer and secretary of such affiliate.

2. Amendments to the Constitution

All constitutional amendments to be considered at a Convention must be submitted by a local union or district council, or by the Executive Board of CUPE Ontario, or committee thereof, so that they are in the office of the Secretary-Treasurer no later than forty-eight (48) days prior to the Convention. Constitutional Amendments must be formatted to include the existing article, section and sub-section language and proposed changes of said article. The rationale shall be no more than two hundred (200) words and submitted under the letterhead of the affiliate submitting same, and signed by the presiding officer and secretary of such affiliate.

3. CUPE Ontario will post these resolutions and constitutional amendments on its website at least thirty-five (35) calendar days before the start of Convention. CUPE Ontario will send these resolutions and constitutional amendments to any chartered organization that asks for a printed copy.

(i) Emergency Resolutions and Amendments

Resolutions dealing with matters that have arisen less than forty-eight (48) days prior to the Convention must be submitted to the Convention Office by a local union or district council, or by the Executive Board of CUPE Ontario, or committee thereof and must not exceed two hundred (200) words in total and reference the date of the matter being dealt within the emergency resolution. The emergency resolution will be signed by the presiding officer and secretary of such affiliate. The Executive Board will review the date the matter arose to determine if the matter meets the emergency criteria and if approved it can only be dealt with on majority consent of the delegates in Convention and after two (2) hours of providing the resolution to delegates.

(j) Convention Committees

There shall be four (4) Convention committees, namely, Credentials, Resolutions, Ways and Means, and Constitution. All chairpersons and members of committees shall be appointed by the Executive Board from the registered delegates. All committees shall be notified as early as possible prior to the opening of the Convention, and if it is necessary during the Convention that revisions be made to said committees, or that additional committees are required, the President shall appoint same, subject to the approval of the delegates. The President, if it is found necessary, shall be empowered to convene such committees

prior to the opening of the Convention and their term of appointment shall expire at the adjournment of the Convention.

A Convention planning committee shall be formed to undertake the planning of Convention to include theme, selection of speakers, and Convention agenda.

(k) **Order of Business**

1. Credentials Committee Report (interim)
2. President's Report
3. Secretary-Treasurer's Report
4. Trustees' Report
5. Officers' Reports
6. Report of Standing Committees
7. Reports of Convention Committees
8. Nominations and Elections
9. Good and Welfare suggestions
10. Final Report of Credentials Committee
11. Adjournment

(l) **Rules of Order**

Rules of Order shall be in accordance with Appendix "A" attached hereto, and forming part of this Constitution. Bourinot's Rules of Order shall prevail on matters not covered by the Rules of Order.

(m) **Executive Board Reports to Convention**

Executive Board members and chairpersons of standing committees shall submit written reports of all their actions during their term of office at least forty-five (45) days prior, where possible, to the convention. The reports shall contain full information on the disposition of resolutions from the previous Convention referred to such officers or chairpersons. These reports shall form part of the general Convention report.

(n) **Convention Report**

A summarized report of the Convention shall be prepared by the Secretary-Treasurer, under the supervision of the President, and forwarded to all affiliated locals and accredited delegates and, where possible, such report shall be forthcoming within four (4) months from the close of the Convention.

(o) **Incumbent Executive Board Members to Convention**

1. An incumbent Executive Board Member or Trustee who is not an accredited delegate at the time of Convention in the even-numbered years shall be entitled to attend Convention at the

expense of CUPE Ontario as a Constitutional Delegate, with voice but no vote. They shall not be eligible for re-election.

2. An incumbent Executive Board Member or Trustee who is not an accredited delegate at the time of Convention shall be entitled to attend the Convention at the expense of CUPE Ontario as a Constitutional Delegate with voice and vote, in the odd-numbered years of the Convention when no election of Executive Board Members is held.
3. Notwithstanding paragraphs 1 and 2, no incumbent Executive Board Member or Trustee shall be entitled to attend Convention unless the local union, of which they are a member, is entitled to representation at Convention.

(p) **Staff Voice at Convention**

The Staff Representatives and National Executive Board Members of the Canadian Union of Public Employees shall be permitted voice on any debate which is not of a nature that would intrude on the autonomy of CUPE Ontario where its administration is concerned.

(q) **Reports of Sectors and Provincial Retirees Representative**

All Sectors and the Provincial Retirees Representative shall submit their reports to CUPE Ontario, at least forty-five (45) days prior, where possible, to the Convention.

(r) **Unresolved Resolutions**

All resolutions, excluding constitutional amendments, not resolved by Convention will be referred to the Executive Board for decision upon adjournment of Convention.

ARTICLE 5 • COMPOSITION OF EXECUTIVE BOARD AND TRUSTEES
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- (a) The Executive Board shall consist of a President, Secretary-Treasurer, First Vice-President, Second Vice-President, Third Vice-President, Fourth Vice-President, six (6) Executive Members (at Large), and one (1) representative from each of the Sectors established pursuant to Article 4 of the National Constitution, one (1) representative from each Bargaining Council established pursuant to Article 4 of the National Constitution, one (1) Provincial Retirees Representative with voice only elected by their caucus, six (6) Equality Representatives elected by their appropriate caucus, and one (1) Northern Ontario Representative elected by their caucus.

- (b) School Board Workers in Ontario are represented by the Ontario School Board Council of Unions, which affiliates all of its locals to CUPE Ontario. The Ontario School Boards Council of Unions shall function in place of a sector and as a sector representative for school board workers wherever “sector” or “sectors” is mentioned in this Constitution. For clarity, the Ontario School Board Council of Unions shall be entitled to only one seat on the Executive Board.
- (c) The Executive Officers shall be President and Secretary-Treasurer.
- (d) There shall be three (3) Trustees.

ARTICLE 6 • ELECTION OF EXECUTIVE BOARD AND TRUSTEES

- (a) Election of the Executive Board, except for the representatives of the Sectors and Bargaining Councils, shall be held biennially in the even-numbered years, on the morning of the day prior to the close of the Convention. The Equality and Northern Ontario Representatives on the Executive Board, and the Provincial Retirees Representative, shall be elected in their respective caucuses, biennially in the even-numbered years at Convention.
- (b) Any member who has declared for election to any position, and makes it known in writing to the Secretary-Treasurer no later than seventy-five (75) days prior to Convention during the year of an election, shall be given the opportunity to provide up to a one hundred and fifty (150) word statement as an election profile that shall be printed and distributed through regular mail and posted on-line. CUPE Ontario will not be responsible for translating individual candidates’ election material.
- (c) No person, except the President and the Secretary-Treasurer, shall be eligible for election to any office or to the membership of any committee unless such person is a member in good standing of an affiliated local union, and:
 - 1. a delegate from said local union,
 - 2. a delegate from affiliated district council to which their local is affiliated or,
 - 3. a delegate from a council of unions to which their local is affiliated.

Such person, if elected, shall retain office only so long as their local union remains an affiliate of CUPE Ontario.

The President and the Secretary-Treasurer shall be deemed to be delegates to Convention with all rights and privileges.

- (d) The President shall appoint an Election Committee Chairperson who shall appoint assistants to conduct the elections. They shall not be candidates for office.
- (e) The Election Committee Chairperson shall be responsible for the issuing and receiving of ballots to and from the delegates.
- (f) Elections shall be conducted by a secret ballot, one delegate-one vote. All single positions (President, Secretary-Treasurer) shall be elected by simple majority vote. All multiple positions (Executive Members (at Large) and Trustees) shall be elected by a plurality vote, but no candidate shall be elected who receives less than twenty-five percent (25%) of the total votes cast.
- (g) Nominees allowing their names to go forward for office shall, upon acceptance of nomination, come forward to the Convention platform, and clearly and audibly speak the following lines to the assembled delegates:

"In accepting my nomination, I swear that I am committed to following anti-racist, anti-oppression, working-class and social unionism principles and further I swear that, if elected, I will faithfully support the Constitution, principles and policies of CUPE Ontario and of the Canadian Union of Public Employees."
- (h) Immediately following the close of voting, the Election Committee shall proceed to count the ballots, and upon completion of same, they shall notify the Chairperson, and their report shall be made immediately. The total number of ballots for each candidate shall be recorded and reported to the Convention.
- (i) The election of each office shall be completed before nomination may be accepted for subsequent office.
- (j)
 1. The duly elected Executive Board and Trustees shall be obligated immediately following the completion of elections and shall take office within twenty-eight (28) days following the date of the election.
 2. Immediately at the close of the Convention, the Executive Board and the Executive Board elected shall meet to arrange for the formal transfer of responsibility.

3. As prescribed, within twenty-eight (28) days following the election, the incoming Executive Board and outgoing Executive Board shall meet and the formal transfer of responsibility and the establishment of committees shall take place.
- (k) Trustees shall serve for overlapping three (3) year terms with one (1) to be elected each year at Convention.

(l) **Obligation of Executive Board and Trustees**

"I (give name) will perform the duties as prescribed in the Constitution of CUPE Ontario to the best of my ability for the term of my office using anti-racist, anti-oppression, working-class and social unionism principles. I also promise to turn over all property of the Union to my successor at the end of my term."

ARTICLE 7 • DUTIES OF EXECUTIVE OFFICERS, EXECUTIVE BOARD MEMBERS AND TRUSTEES

(a) **Executive**

The Executive Board of CUPE Ontario will attend an Anti-Racism, Anti-Oppression Training which will be organized within the first month or shortly thereafter of their ensuing term.

(b) **President**

1. The CUPE Ontario President shall function as the chief executive officer of CUPE Ontario.
2. The office of the President shall be a full-time elected office, elected every two (2) years in even years.
3. It shall be the responsibility of the elected President to have previously assured leave of absence from employment for the full term of office.
4. It shall be the duty of the President to preside at all Conventions of CUPE Ontario and all meetings of the Executive Board and preserve order. The President shall be an ex-officio member of all committees. The President shall sign all cheques, bank drafts and other official documents relevant to the operation of CUPE Ontario.

5. The President shall have the authority to enforce and interpret the Constitution of CUPE Ontario, and such interpretation shall be conclusive and in full force and effect, unless reversed or changed by the Executive Board or by the Convention.
6. The President shall, in order to carry out the day-to-day function of CUPE Ontario, utilize the CUPE Ontario office located in Metropolitan Toronto.
7. The President shall:
 - a) Co-ordinate and promote the activities of the Committees of CUPE Ontario and in particular, the legislative aims of CUPE Ontario and be responsible for the presentation of briefs.
 - b) Represent CUPE Ontario, including liaison capacity, wherever directed by the Executive Board.
 - c) Subject to the approval of the Executive Board, make available all books, papers and other CUPE Ontario effects for inspection.
8. The President, by virtue of the office, shall represent CUPE Ontario as a fully accredited delegate at all Conventions of labour organizations to which CUPE Ontario is affiliated and shall be appointed as CUPE Ontario's representative to the Executive Board of the Ontario Federation of Labour.
9. The President shall be a fully accredited delegate to the CUPE Ontario Convention, with all rights and privileges.
10. a) The President shall receive a salary, daily expense allowance, vacation allowance and permanent parking allowance equal to that paid from time to time to a CUPE Regional Director. In addition, coverage in the following welfare plans, fully paid by CUPE Ontario:

Long Term Disability • Life Insurance • Extended Health Care

- b) Further, CUPE Ontario will pay fifty per cent (50%) of a Pension Plan contribution to provide for either the continuation of the President's Pension Plan, if possible, enjoyed when in the employ of their previous employer, or an equivalent plan.

11. The President shall receive the following allowances:

- a) A motor vehicle provided through a lease arrangement equivalent to the CUPE National Motor Vehicle Lease Policy.
- b) Credit cards for use in respect of CUPE Ontario business.

12. The President shall submit a monthly activity report to the members of the Executive Board and a monthly expense account together with all covering receipts to the Secretary-Treasurer. Payment of these accounts will be made, subject to their review and possible adjustment, at the following Executive Board meeting.

(c) **Immediate Past President**

The Executive Board may appoint the Immediate Past President to the Executive Board, in the first year of the succession of a new President. The Immediate Past President shall at all times assist the Executive Officers and Members of the Executive Board by making available to them the benefits of experience in office and shall have full voice but no vote at meetings.

(d) **First Vice-President**

Shall, in the absence of the President, preside and perform all duties pertaining to the office of the President and render such assistance as may be required.

(e) **Second Vice-President**

Shall, in the absence of the First Vice-President, perform all duties pertaining to that office, and perform such duties as may be assigned, and in the case of a permanent vacancy in the office of the First Vice-President shall become the First Vice-President.

(f) **Third Vice-President**

Shall perform in the absence of the Second Vice-President, all duties pertaining to that office, and perform such duties as may be assigned, and in the case of a permanent vacancy in the office of the Second Vice-President, shall become the Second Vice-President.

(g) **Fourth Vice-President**

Shall perform in the absence of the Third Vice-President, all duties pertaining to that office, and perform such duties as may be assigned,

and in the case of a permanent vacancy in the office of the Third Vice-President, shall become the Third Vice-President.

(h) **Secretary-Treasurer**

1. The Secretary-Treasurer shall function as the chief administrative officer of CUPE Ontario.
2. The Office of the Secretary-Treasurer shall be an elected post and such office shall be filled at an election to be held every two (2) years in even years.
3. It shall be the responsibility of the elected Secretary-Treasurer to have previously assured leave of absence from employment for the full term of office.
4. Receive all monies payable to CUPE Ontario and deposit such funds to such accounts as may be approved by the Executive Board.
5. Pay all bills, wages, expenses and such other payments as may be necessary, as authorized by the Convention and the Executive Board.
6. Make all authorized disbursements by means of a cheque countersigned by the President or third signing officer should the President not be available. All cheques shall be so designed as to provide an appropriate space that will allow for an explanation of said payment to be entered.
7. Prior to issuing any cheque for payment, receive an invoice stating what the payment is for and enter the cheque number and the date of payment on the invoice when making payment.
8. Be in charge of all books, documents, files and effects of CUPE Ontario. Such books, documents, files and effects shall, at all times, be subject to inspection by the President and/or the Executive Board.
9. Prepare and submit a report and a detailed financial statement of CUPE Ontario, to each meeting of the Executive Board.
10. Turn over all books and records - relative to receipts and expenditures - to the Trustees at a mutually agreeable time in order for the Trustees to review the first two quarters and then the entire fiscal year so that an audited statement can be presented to the Executive Board semi-annually and to Convention annually.

11. Upon request issue receipts for income received. A cancelled cheque, or other such negotiable instrument for the purpose of this clause shall be recognized as a receipt.
12. Send out quarterly financial statements to all local unions, showing the per capita tax stand of the local union to which such statement is sent and pointing out to such local union the constitutional requirements that affiliates must remain in good standing with CUPE Ontario. Annual statements shall be forwarded to all district councils.
13. Be bonded in such amount as may be determined by the Executive Board.
14. Prepare a draft budget outlining the anticipated revenue and expenses of CUPE Ontario for the coming fiscal year ending December 31st to the Ways and Means Committee to present to Convention for debate and approval.
15. Issue the call for and act as Secretary to the annual Convention. Shall cause the proceedings of all Conventions and sessions of the Executive Board to be recorded. A report of the annual Convention shall be forwarded to each local union within four (4) months from the ending of Convention, where possible.
16. Conduct all correspondence pertaining to the office and shall purchase all supplies necessary for the office.
17. Keep a record of the total membership of each local union and report to the Convention, showing the number of affiliated locals and total membership. Keep a record of the membership of the Provincial Retirees Network.
18. Make a report on the administration of the office to the Convention.
19. Be a fully accredited delegate to the CUPE Ontario Convention, with all rights and privileges.
20. The Secretary-Treasurer shall receive remuneration equal to that of the CUPE Assistant Regional Director.

In addition, coverage in the following welfare plans will be fully paid for by CUPE Ontario.

Long Term Disability • Life Insurance • Extended Health Care

Further, CUPE Ontario will pay fifty per cent (50%) of a Pension Plan contribution to provide for either the continuation of the Pension Plan enjoyed by the Secretary-Treasurer while in the employ of their previous employer, if possible, or an equivalent Pension Plan.

21. The Secretary-Treasurer shall receive expenses equivalent to those received by a CUPE Assistant Regional Director.
22. The Secretary-Treasurer shall receive a daily expense allowance for committee meetings, conferences, seminars and Conventions equal to that received by a CUPE Assistant Regional Director.

(i) **Sector Representatives, Equality Representatives, Executive Members (at Large)**

1. Convene and Chair all meetings of their respective Sector, Equality Committee, or committees assigned by the CUPE Ontario Executive Board.
2. Ensure minutes are drafted, approved, and final copies maintained in files at CUPE Ontario.
3. Work closely with all staff assigned to assist in the committee's work.
4. Report from their respective committee in writing and verbally at each meeting of the CUPE Ontario Executive Board.
5. Report from the Executive Board to their respective committee to facilitate the integration of all of the work of CUPE Ontario.
6. Provide leadership to further the goals of their respective committee within CUPE Ontario.

(j) **Northern Ontario Representative**

1. Shall liaise with the Regional Vice-President Northern Ontario on the National Executive Board.
2. Provide assistance to CUPE Ontario committees that do not have a representative from Northern Ontario, and to the Provincial Executive Board to ensure the particular issues of CUPE Ontario members in Northern Ontario are discussed and acted on.
3. Shall be supported to attend events held by CUPE in Northern Ontario.

4. Encourage involvement of Northern Ontario Locals in all events of CUPE Ontario.

(k) **Executive Board Members**

The Executive Board Members shall fulfil all duties required or referred to them by the Convention, the Executive Board or President.

(l) **Duties of Trustees**

The Trustees shall perform duties as outlined in this Constitution, and shall prepare the annual audit statement to be presented to the annual Convention. The Trustees shall make an audit as of December 31st of each year. They shall make an audit at all times when the Secretary-Treasurer is elected or appointed when a vacancy occurs in the office of Secretary-Treasurer for any reason.

(m) **Provincial Retirees Representative**

1. Chair the Provincial Retirees Network.
2. Help build and promote the provincial retirees structure and encourage and assist chartered organizations to set up their own structures.
3. Serve on any other committee appointed by the President with voice but no vote.

ARTICLE 8 • EXECUTIVE BOARD, TRUSTEES AND STANDING COMMITTEES

- (a) The Executive Board shall consist of a President, Secretary-Treasurer, First Vice-President, Second Vice-President, Third Vice-President, Fourth Vice-President, six (6) Executive Members (at Large), and one (1) representative from each of the Sectors established pursuant to Article 4 of the National Constitution, one (1) representative from each Bargaining Council established pursuant to Article 4 of the National Constitution, one Representative - Indigenous Workers chosen by the Indigenous Workers Caucus at Convention, one (1) Representative - Racialized Workers chosen by the Racialized Workers Caucus at Convention, one (1) Representative – Pink Triangle chosen by the Pink Triangle Caucus at Convention, one (1) Representative – Women chosen by the Women’s Caucus at Convention, one (1) Representative – Workers with Disabilities chosen by the Workers with Disabilities Caucus at Convention, one (1) Representative – Young Workers chosen by the Young Workers Caucus at Convention, one (1) Northern Ontario Representative chosen by the Northern Ontario Caucus, and one (1) Provincial Retirees Representative with voice only elected by their caucus.

- (b) School Board Workers in Ontario are represented by the Ontario School Board Council of Unions, which affiliates all of its locals to CUPE Ontario. The Ontario School Boards Council of Unions shall function in place of a sector and as a sector representative for school board workers wherever “sector” or “sectors” is mentioned in this Constitution. For clarity, the Ontario School Board Council of Unions shall be entitled to only one seat on the Executive Board.
- (c) The Executive Board shall conduct all business referred to it by Convention and shall, in the interval between Conventions, have full and complete charge of all business of CUPE Ontario not otherwise provided for. The Executive Board shall meet quarterly. The locale shall be designated by the President. Fifty percent plus one (50% + 1) members shall constitute a quorum.
- (d) 1. No person shall continue to hold office or membership on any committee if the person has voluntarily severed employment in the jurisdiction of a CUPE local union. Should a person temporarily leave the jurisdiction of any CUPE local union to accept employment outside the jurisdiction of any CUPE local union, such a person may remain in office or member of a committee for no longer than twelve (12) months.
2. Where a permanent vacancy occurs in the office of President, the First Vice-President shall issue, within six (6) days of the date of the vacancy occurring, notice of a meeting of the Executive Board, to be held within sixteen (16) days of the date of the vacancy, in order to elect a President to serve until the next Convention. Only voting members of the Executive Board shall be eligible for election to the office of President and a simple majority of votes cast shall be required for election. If the vacancy occurs before an odd year Convention, an election for the office of President shall be held at the odd year Convention following the procedure in Article 6.
3. Where a permanent vacancy occurs in the office of Secretary-Treasurer, the President shall issue, within six (6) days of the date of the vacancy, notice of a meeting of the Executive Board, to be held within sixteen (16) days of the date of the vacancy, in order to elect a Secretary-Treasurer to serve until the next Convention. Only voting members of the Executive Board shall be eligible for election to the office of Secretary-Treasurer and a simple majority of votes cast shall be required for election. If the vacancy occurs before an odd year Convention, an election for the office of Secretary-Treasurer shall be held at the odd year Convention following the procedure in Article 6.

4. Should a permanent vacancy occur in the office of the Fourth Vice-President, the office shall be offered to the six (6) Executive Members (at Large) in the order of votes received in the preceding election.
5. Should a permanent vacancy occur in the office of Executive Member (at Large), except as provided in Article 8(d)6, the office shall be offered to the unsuccessful candidates for this office in the order of votes received at the preceding election, provided that they received at least twenty-five percent (25%) of the total votes cast. If the vacancy cannot be filled in this manner, it shall be filled by the Executive Board by appointment. If the vacancy occurs before an odd year Convention, the vacancy will be filled temporarily as set out above and an election for the position shall be held at the odd year Convention following the procedure in Article 6.
6. Should a permanent vacancy occur in the office of the Executive Board held by the Representative from a Sector or Bargaining Council, such vacancy shall be filled in accordance with the Constitution or By-laws of the appropriate Sector or Bargaining Council.
7. Should a permanent vacancy occur in the office of the Executive Board for any one of the six (6) Equality Representatives, the position shall be offered to the unsuccessful candidates for this office in order of votes received in the previous caucus elections, provided that they receive at least twenty-five percent (25%) of the total votes cast. If the vacancy cannot be filled in this manner, it shall be filled by appointment by the Executive Board, in consultation with:
 - a) the Racial Justice Committee for the Representative – Racialized Workers;
 - b) the Indigenous Council, for the Representative - Indigenous Workers;
 - c) the Pink Triangle Committee for the Representative – Pink Triangle;
 - d) the Women’s Committee for the Representative – Women;
 - e) the Workers with Disabilities Committee for the Representative – Workers with Disabilities;
 - f) the Young Workers Committee for the Representative – Young Workers.

Should a permanent vacancy occur in the office of the Executive Board for the Northern Ontario Representative, the position shall be offered to the unsuccessful candidates for this office in order of votes received in the previous caucus elections, provided that they receive at least twenty-five percent (25%) of the total votes cast. If the vacancy cannot be filled in this manner, it shall be filled by

appointment by the Executive Board until the next Northern Ontario Caucus of the Convention.

8. Should a permanent vacancy occur among the Trustees, the office shall be offered to the unsuccessful candidates for this office in order of votes received at the preceding election. If the vacancy cannot be filled in this manner, it shall be filled by the Executive Board by appointment. If the vacancy occurs during the period between the election Convention and the odd year Convention, the vacancy will be filled temporarily as set out above and an election for the position shall be held at the odd year Convention following the procedure in Article 6. An election for the office of Trustee for the unexpired term shall be held at Convention following the procedure in Article 6.

- (e) 1. The Executive Board shall appoint the following Standing Committees and Chairpersons thereof:

Defence Fund Committee	One (1) member, President and Secretary-Treasurer
Education Committee	Three (3) members and Chairperson
Health & Safety Committee	One (1) member appointed from each Sector, two (2) members elected at the Health & Safety/Injured Workers Conference in even numbered years, and one (1) Executive Board Liaison.
Human Rights Committee	Executive Board Representative - Racialized Workers, Executive Board Representative - Indigenous Workers, Executive Board Representative - Pink Triangle, Executive Board Representative - Workers with Disabilities, Executive Board Representative - Women, Executive Board Representative - Young Workers and one (1) member of the International Solidarity Committee
Injured Workers Advocacy Committee	One (1) member appointed from each Sector, two (2) members elected at the Health & Safety/Injured Workers Conference in even numbered years, and one (1) Executive Board Liaison.
Sector Chairs Committee	Executive Officers and Representatives of each Sector on the Executive Board.
Pension Committee	Two (2) members, the Provincial Retirees Representative and Chairperson
Trades Committee	One (1) Executive Board member, one (1) member appointed from each Sector
Violence in the Workplace Committee	One (1) member appointed from each Sector.

2. a) There shall be a Women's Committee elected at each Women's Conference in even numbered years. Four (4) women shall be elected by the Women's Caucus. An additional member of the committee shall be elected by women from each of the following caucuses at the Conference: Indigenous Council, Workers with Disabilities, Pink Triangle, Racial Justice, Young Workers, and Northern Ontario. The committee will have two (2) co-chairs for the committee. One (1) of these co-chairs will be elected by and from the members of the Women's Committee. The other co-chair will be the Women's Representative to the Executive Board, who will be chosen by the Women's Caucus at Convention, every two years. The Women's Committee mandate shall be to promote equality for women in the workplace, the union and the community.
 - b) Should a permanent vacancy occur on the committee, the position shall be offered to the unsuccessful candidates for this office in order of votes received in the previous election, provided that they received at least twenty-five percent (25%) of the total votes cast. Those women elected by women in their respective equity caucus will be replaced only with women from that caucus. If the vacancy cannot be filled in this manner, the Secretary Treasurer shall issue a public call for applications to members and ensure it is promoted on social media. The Women's Committee will then select a candidate from the pool of applicants and recommend their appointment to the Executive Board.
3. a) There shall be a Human Rights Committee consisting of the six (6) Executive Board Equality Representatives and one (1) member of the International Solidarity Committee.
 - b) The Human Rights Committee shall work to promote equal treatment and equal opportunity for members of CUPE and society at large.
 - c) There shall be six (6) Committees consisting of the Pink Triangle Committee, the Workers with Disabilities Committee, the Racial Justice Committee, the Indigenous Council, the Young Workers Committee and the International Solidarity Committee. These committees shall be elected in odd numbered years at the Human Rights Conference, by their respective caucus or in plenary session, as applicable.

Seven (7) members shall be elected by each respective caucus, or in plenary, as applicable.

The Young Workers Committee shall have one (1) additional member who shall be elected by young workers at the Northern Ontario Caucus at Convention in odd numbered years.

Should a permanent vacancy occur on any of these six (6) Committees, the position shall be offered to the unsuccessful candidates for this office in order of votes received in the previous caucus elections, provided that they receive at least twenty-five percent (25%) of the total votes cast. If the vacancy cannot be filled in this manner, it shall be filled by appointment of the Executive Board, in consultation with the affected Committee, at the next regularly scheduled Executive Board meeting.

4. The Education Committee shall arrange at least two (2) weekend seminars per year - one (1) to be held in the fall, and one (1) held in the spring. The type and style of courses to be offered shall be in the best interest of CUPE Ontario affiliates. The Committee shall attempt, where possible, to hold its seminars in areas most readily accessible to the greatest majority of locals, taking into consideration at all times the needs and expenses of the smaller locals of CUPE Ontario.

Local unions having less than one hundred (100) full-time members or equivalent (as determined in accordance with the formula set out in Article 9(a) for the payment of per capita tax on part time members) or having to travel a distance of five hundred (500) km or more may make application to the Executive Board for transportation and registration fee subsidization to assist in their sending a delegate to CUPE Ontario seminars. The Executive Board is empowered to act thereon.

The Registration Fee for the seminars shall not be less than ten dollars (\$10.00) per delegate. The Education Committee shall work in co-operation with the National Education Department.

5. The Executive Board may establish Ad Hoc Committees as required. The composition of such will minimally include the Officers, one (1) Vice-President, one (1) Equality Representative, one (1) Sector Chair and one (1) Executive Member (at Large).
6. The mandate of the Pension Committee shall be to work for a fair and equitable pension for all CUPE members including retirees.

7. a) The Health & Safety Committee shall work to promote a healthy and safe work environment for all CUPE members in Ontario.
- b) The Health & Safety Committee shall consist of one (1) member appointed from each Sector, two (2) members elected at the Health & Safety/Injured Workers Conference in even numbered years, and one (1) Executive Board Liaison. Such representatives must be delegates from a local union affiliated to CUPE Ontario.
8. The Injured Workers Advocacy Committee shall consist of one (1) member appointed from each Sector, two (2) members elected at the Health & Safety/Injured Workers Conference in even numbered years, and one (1) Executive Board Liaison. Such representatives must be delegates from a local union affiliated to CUPE Ontario.
- (f) All CUPE Ontario Committees shall report to and be accountable to the Executive Board between Conventions.
- (g) The Executive Board shall have the authority to suspend the President or Secretary-Treasurer, without pay, for proven just cause. It shall require a two-thirds (2/3) majority of the Executive Board votes cast at the meeting called for this purpose, to effect such a suspension. When such action has been taken, the Executive Board shall within sixty (60) days convene a special Convention of CUPE Ontario to review the suspension.
- If the decision of the Executive Board is upheld, the special Convention shall proceed to elect a new officer. The decision of the Executive Board shall be sustained or rejected by a simple majority vote of the Convention.
- If the decision of the Executive Board is not upheld, the officer shall be reinstated without loss of pay or benefits.
- (h) Elected representatives of CUPE Ontario will acknowledge the Indigenous Traditional Territory following the Equality Statement at the beginning of all meetings.

ARTICLE 9 • FINANCE

- (a) **Revenue**
The revenue of CUPE Ontario shall be derived as follows:

1. Effective July 1, 2009, all Local Unions shall pay a monthly per capita tax on behalf of all workers, including Rand Formula payees, of .04% of the Local Union's average regular monthly wages not later than the last day of the following month.
2. Effective July 1, 2009, two percent (2%) of any per capita tax shall be allocated to the Defence Fund, to be administered by the Defence Fund Committee.
3. Effective April 1, 2012, eight percent (8%) of per capita tax shall be allocated to the five (5) Sectors for the purpose of funding their Coordinating Committee work. The funds shall be divided among the Sectors based on the total number of members in each sector as reported to CUPE Ontario in a fair and equitable fashion.
4. From District Councils, or Councils of Unions, an annual affiliation fee of twenty-five dollars (\$25.00) shall be paid.
5. Each Local Union involved in a strike or lockout may seek a pro-rated reduction of per capita tax from the Executive Board based on the number of days off work as a result of a strike or lockout.

(b) Convention

Disbursement for CUPE Ontario Convention shall be limited to the following:

1. Rent of Convention hall
2. Rent of function rooms
3. Cost of hospitality rooms
(not to exceed one thousand dollars [\$1,000.00])
4. Cost of supplies (recording tapes, kits, etc.)
5. Banquet and dance
6. Accommodation for pressroom, etc
7. Travel subsidy
8. Transcribing expenses

(c) CUPE Ontario Defence Fund

1. The monies in the Defence Fund are to be used to assist in the defence of the Union, either by helping financially those local unions which are on strike, or those which are faced with major legal or other related expenses, or to finance special projects (authorized by the Executive Board of CUPE Ontario) in defence of the Union.
2. The President, Secretary-Treasurer and one (1) Executive Board member shall be appointed as a Committee to administer the Defence Fund.
3. Only appeals by a bona fide affiliated local to CUPE Ontario, are to be considered by the Committee. All other appeals must be

considered for sanction by the full Executive Board of CUPE Ontario.

4. The Committee shall not make any grant to any one (1) local, in any one (1) month, in excess of one third (1/3) of the amount on deposit in the fund.
5. The Committee shall not consider any strike appeal unless it is a bona fide strike, sanctioned by the National Union.
6. The Committee shall not consider any application unless it is made on the local union's letterhead, and signed by the President and Secretary-Treasurer.
7. Any local who received monies from the Defence Fund, for any purpose, shall return the residue of all monies received for that purpose, along with an itemized statement to CUPE Ontario, after all related bills are paid.
8. The Secretary-Treasurer shall credit the appropriate amount based on one cent (.01) per member per month, to the Defence Fund, on a monthly basis.
9. All appellants, feeling unjustly dealt with by the Committee, shall have the right to appeal to and appear, at their own expense, before the full Executive Board, which shall render a final and binding decision within two (2) weeks of such appeal.

(d) **Sectors Fund**

The Sectors Fund shall be administered by the Sector Chairs Committee, composed of the Executive Officers of CUPE Ontario and the representatives of the Sectors on the Executive Board.

Notwithstanding the generality of the foregoing, the Sector Chairs Committee may establish rules and procedures for the allocation and disbursement of funds and may make special assessment upon locals which participate within a Sector but which are not affiliated to CUPE Ontario.

(e) **Purchases**

All purchases by CUPE Ontario, in excess of twenty-five dollars (\$25.00) shall be made only with the use of a numbered Purchase Order, duly signed by the President or the Secretary-Treasurer.

(f) **Relocation**

If the President or Secretary-Treasurer decided to relocate their residence to a location adjacent to the CUPE Ontario Office and

providing that this is done within six (6) months of having assumed office, the basic cost of transporting their household effects (the lowest cost of three [3] estimates being acceptable) will be paid on one occasion only.

If the President or Secretary-Treasurer vacates their office for any reason, and if the President or Secretary-Treasurer decides to relocate their residence away from a location adjacent to the CUPE Ontario Office, the basic cost of transporting their household effects (the lowest cost of three [3] estimates being acceptable) will be paid on one occasion only. As stated in the paragraph above, the relocation must take place within six (6) months of having vacated office and be within Ontario.

ARTICLE 10 • NEWS BULLETIN

- (a) CUPE Ontario shall endeavour to publish OURSPACE at least quarterly.
- (b) The Editor of OURSPACE shall be the Secretary-Treasurer who shall have the power of editorship, providing same is not in conflict or contrary to the Constitution of CUPE Ontario or its policies.
- (c) The following declaration shall be printed in each issue:
"OURSPACE is published by the Canadian Union of Public Employees, Ontario Division. The opinions expressed herein are not necessarily those of the Canadian Union, CUPE Ontario, or any of its membership. Address all correspondence to the Editor, 80 Commerce Valley Dr. E., Suite 1, Markham, Ontario L3T 0B2".

ARTICLE 11 • AMENDMENT TO THE CONSTITUTION

This Constitution, or any of its clauses, may be amended at any regular Convention by form of Constitutional Amendment as per Article 4(h) 2 or Executive Board recommendation, by a two-thirds (2/3) majority of the votes cast by those delegates present at such Convention.

The rules and order of business governing Convention shall be:

1. The President, then the Secretary-Treasurer, or when requested, then a Vice-President shall take the chair at the time specified, at all regular and special Conventions.
2. No question of religious character shall be discussed.
3. Delegates wishing to speak shall proceed to one of the microphones provided for that purpose. When recognized by the Chair, shall give their name and the organization they represent and shall confine all remarks to the question at issue.
4. Speeches shall be limited to three (3) minutes except in moving a motion when the delegates shall be allowed ten (10) minutes.
5. A delegate shall not speak more than once upon a subject until all who wish to speak have had an opportunity to do so.
6. A delegate shall not interrupt another except it be to call to a point of order.
7. Any delegate called to order shall, at the request of the Chair, be seated until the question of order has been decided.
8. Should any delegate persist in unparliamentary conduct, the Chair will be compelled to name them and submit their conduct to the judgement of the Convention. In such cases, the delegate whose conduct is in question should explain and then withdraw, and the Convention will determine what course to pursue in this matter.
9. When a question is put, the Chair after announcing the question shall ask: "Are you ready for the question?" If the vote is in the affirmative, the question shall be put.
10. Questions may be decided by a show of hands or a standing vote on the basis of one (1) vote per delegate. A roll call vote may be demanded by two thirds (2/3) of the delegates present. In a roll call vote each delegate shall be entitled to one (1) vote.
11. Two (2) delegates may appeal the decision of the Chair. The Chair shall then put the question thus: "Shall the decision of the Chair be sustained?" The question shall not be debated except that the Chair may be given time to explain the decision.

12. The Chair shall have the same rights as other delegates to vote on any question. In case of a tie vote, the Chair shall cast the deciding vote.
13. When the previous question is moved, no discussion or amendment to either motion is permitted. If the majority vote that "the question be now put", the original motion has to be put without debate. If the motion to put the question is defeated, discussion will continue on the original motion.
14. Committees may combine resolutions or prepare a composite to cover the intent of the question at issue. Reports of the Committees are not subject to amendment, except if it is acceptable to the Committee, but a motion to refer back to the Committee for further discussion shall be in order.
15. A delegate shall not move a motion to refer back after having spoken on the question at issue.
16. A motion to refer back is not debatable and when properly seconded the question shall be immediately put to the Convention.
17. All referrals shall be the first item(s) to be dealt with in the Committee's report to the next following session of the Convention or at such other time as may be directed by a majority vote of the Convention.
18. If the report of a Committee is adopted, it becomes the decision of the Convention. If defeated, it may be referred back to the Committee.
19. When a question is pending before the Convention, no motion shall be in order except - to refer - to adjourn - for the previous question - to postpone for a definite time. If any of the foregoing motions is negated, it cannot be renewed until after an intermediate proceeding.
20. A motion may be reconsidered provided the mover of the motion to reconsider voted with the majority, and notice of motion is given consideration at the next sitting, and said notice of motion is supported by two-thirds (2/3) of the delegates qualified to vote.
21. The Executive Board is empowered to establish the hours of Convention.

CUPE ONTARIO EXECUTIVE 2018 - 2020

EXECUTIVE BOARD

President	Fred Hahn
Secretary-Treasurer	Candace Rennick
1st Vice-President	Michael Hurley
2nd Vice-President	Yolanda McClean
3rd Vice-President	Eddie Pereira
4th Vice-President	Tiffany Balducci
Executive Member (at Large)	Dave Smith
Executive Member (at Large)	Fred Shilson
Executive Member (at Large)	Emmanual Ansah
Executive Member (at Large)	Tracey St Aubin
Executive Member (at Large)	Brittany Nisbett
Executive Member (at Large)	Patrick Hannon
Equality Representative – Indigenous Workers	Dawn Bellerose
Equality Representative – Pink Triangle	Susan Gapka
Equality Representative – Racialized Workers	Veriline Howe
Equality Representative – Women	Yasmeen Mirza
Equality Representative – Workers with Disabilities	Peter Stapper
Equality Representative – Young Workers	Renée Bursey
Representative – Northern Ontario	Bryan Keith
Representative – Bargaining Council (OCHU)	Sharon Richer
Representative – Bargaining Council (OSBCU)	Laura Walton
Sector Representative – Health	Charlene Van Dyk
Sector Representative – Municipal	Ann Jenkins
Sector Representative – Universities	David Simao (Acting Chair)
Sector Representative – Social Services	Carrie Lynn Poole-Cotnam
Retirees' Representative	Stephen Seaborn

TRUSTEES

2019 – 2020	2018 - 2021	2019 – 2022
Jennifer Goodine	Oral Riseing	Mike Felice

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