

BY-LAWS

**Canadian Union of Public Employees
Local 4153**



**Approved by the Membership: September 17, 2017
Approved by National President: October 2017**

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INTRODUCTION

Local 4153 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 4153 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.

These By-Laws are designed to give proper balance to the administration of the Local Union.

Duties and responsibilities of elected officers and members of committees should be as widely dispersed as possible. It should not be left to the willing few 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 economic welfare of its members without regard to colour, race, creed, or sexual orientation, to promote efficiency in Public Employment and to give clear evidence of its recognition in the unity of organized labour, this Local has been formed and does establish these By-Laws for its government.

SECTION 1 – NAME

The name of this Local Union shall be Canadian Union of Public Employees, Local 4153, The Hamilton-Wentworth District School Board Caretaking, Maintenance and Cooks.

SECTION 2 – OBJECTIVES

The objectives of Local 4153 are to:

- a) The advancement of social, economic, and general welfare of all members of this Local.
- b) Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members & to protect the membership's rights and entitlements;

- c) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- d) Encourage the settlement by negotiation and mediation of all the disputes between the members and their employers;
- e) 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 physical disability; and the active opposition of discrimination of same wherever it occurs or appears;
- f) Establish strong working relationships with the public we serve and the communities in which we work and live; and
- g) Support CUPE in reaching all of the objectives set out in Article II of the CUPE National Constitution.

The objectives of this Local shall be accomplished through the following methods:

- a) Establishing co-operative relations between the employer and the membership;
- b) Promoting required desirable legislation;
- c) Promoting the participation of educational programs as they become available;
- d) Co-operating with the Canadian Labour Congress, its chartered federations and labour councils, the Public Services International, and the International Confederation of Free Trade Unions in their work.

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

This Local may not be dissolved while there are twelve members in good standing therein, who desire to continue its existence. The funds of this Local cannot be divided among individual members and can only be utilized for the valid use of this Local.

a) Membership

An individual employed within the jurisdiction of Local 4153 can apply for membership in Local 4153 by signing an application and paying the initiation fee set out in Section 11(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 contact 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 mail, e-mail blasts 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 Ontario. The purpose of sharing this telephone contact information with CUPE National or Ontario is so that the National Union or Provincial Division can conduct a telephone town hall with members on important matters.

SECTION 5 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 4153 shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE Ontario Provincial Division
- The Hamilton CUPE Council

- The Ontario Federation of Labour
- The Hamilton CLC Labour Council

SECTION 6 – MEMBERSHIP MEETINGS

a) Regular Membership Meetings

Regular membership meetings shall be held every month, on the third Sunday morning or as determined by the Executive board. Regular membership meetings shall not be held during the months of July, August, and December.

b) Special Membership Meetings

Special membership meetings of Local 4153 may be required, and shall be called by the Executive Board or may be requested in writing by no fewer than 50 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 20 members, plus 3 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)

e) **Rules of Order**

All rules and order of business as outlined in Appendix C herein shall be implemented at all regular and special meetings of this Local.

SECTION 7 – OFFICERS

The Officers of Local 4153 shall be the President, First Vice-President, Second Vice-President, Secretary-Treasurer, Recording Secretary, Chief Steward, two (2) Membership Officers, three (3) Trustees.

(Articles B.2.1 and B.2.2)

SECTION 8 – EXECUTIVE BOARD

a) The Executive Board shall include all Officers, except Trustees.

(Article B.2.2)

b) The Executive Board shall meet at least once a month prior to each regular membership meeting to consider all the business confronting the Local at that time.

Recommendations shall then be prepared for action regarding these matters and shall then be submitted to the membership at the next regular membership meeting.

(Article B.3.14)

c) A quorum of 5 Executive Board members shall be required for the transaction of Executive Board business.

d) The Executive Board shall hold title to any real estate of the Local Union as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposal to a membership meeting and having it approved.

e) 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.

f) The Executive Board shall be authorized to make decisions on behalf of the Local between meetings when the action required will occur before the next regular membership meeting.

g) Should any Executive Board member fail to answer the roll call for three consecutive regular meetings or three consecutive regular Executive Board meetings without having submitted good reasons, their office shall be declared vacant and shall be filled by an election at the following membership meeting.

h) The Executive Board shall have the responsibility of guiding the Local and developing programs and policies it wishes to submit to the membership. The Board shall also be responsible for the smooth functioning of all phases of the programs and activities of the Local. The Executive Board shall also be responsible for communication with members via newsletters, notices, etc.

- i) In the event of an excessive workload placed upon the Local Union, the Executive shall be empowered to hire temporary assistance. The Executive will have the power to hire, fire, and supervise any hired staff of the local.

(Article B.2.5)

SECTION 9 – DUTIES OF OFFICERS

Each Officer of Local 4153 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 4153 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 Local Union bylaws and the Equality Statement.
- Interpret these bylaws 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 bylaws, 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, upon submission of signed vouchers. Such amount not to exceed twenty-five (\$25.00) for ordinary petty cash expenditures, or one hundred dollars (\$100.00) for donations to strike appeals by CUPE Locals at a National, Divisional, or jurisdictional Convention or

Conference. Such accounts approved in the regular manner shall be included with bills presented to the membership at monthly meetings. 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 all Conventions.
- Be a member of the Negotiating Committee.

(Article B.3.1)

b) **First Vice-President**

The First 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, or when called upon by the President and/or as designated by the Executive and/or 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.

c) **Second Vice - President**

The Second Vice-President shall:

- Perform the duties of the President in the absence of both that Officer and the First Vice-President, or preside when called upon by the President, or as designated by the Executive and/or President.
- In the event of the resignation or death of the First Vice-President the Second Vice-President shall perform the duties of the First Vice-President until such vacancy is filled by re-election.
- Preside when called upon by the President and at times when the President and the First Vice-President may be temporarily unable to discharge the duties of that office.

(Article B.3.2)

d) **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 bylaws, 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 the President and both Vice-Presidents.
- Performs other duties required by the Local Union, its bylaws or the National Constitution.
- Ensure that all members receive proper and adequate notice of any regular or special meetings.

(Article B.3.3)

e) **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. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- 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 \$1.00 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 meetings of 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 auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond in writing to any recommendations and concerns raised by the Trustees.
- Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- Where required, not later than February 28th each year, furnish each member, on the forms supplied by CUPE National, with a statement showing the net amount of tax-deductible dues paid by him during the preceding calendar year.
- 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 month in arrears and report to the Executive Board all members two or more months in arrears in the payment of union dues.
- Be the direct supervisor of any staff hired by the local.

(Articles B.3.4 to B.3.8)

f) **Trustees**

The Trustees shall:

- 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.
- Make a written report of their findings to the first membership meeting following the completion of each audit.
- Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct, and proper manner.
- Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
- Ensure that proper financial reports have been given to the membership.
- Audit the record of attendance.

- Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local Union, and report their findings to the membership.
 - Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
 - i. Completed Trustee Audit Program
 - ii. Completed Trustees' Report
 - iii. Secretary-Treasurer Report to the Trustees
 - iv. Recommendations made to the President and Secretary-Treasurer of the Local Union
 - v. Secretary-Treasurer's response to recommendations
 - vi. Concerns that have not been addressed by the Local Union Executive Board.
- (Articles B.3.10 to B.3.12)

g) **Membership Officers**

The Membership Officers shall:

- Guard the inner door at membership meetings and admit no one but members in good standing or Officers and officials of CUPE, except on the order of the President and with consent of the members present.
- Identify all present at meetings and report to the President any without membership cards. The Membership Officer shall allow none without a membership card to remain and shall obtain the names of all those awaiting initiation, reporting such names to the President.
- Maintain the record of membership attendance at meetings.
- Perform such other duties as may be assigned by the Executive Board from time to time.

h) **Chief Steward**

The Chief Steward shall:

- Preside over all Steward body meetings and shall chair the Grievance Committee.
- Shall be responsible that the stewards are properly trained and they carry out their duties efficiently.
- Shall recommend to the Executive Board any changes in Steward personnel and reasons for the same.
- Shall keep a record of all grievances and shall assure that all grievances are processed in accordance with the Collective Agreement and that all time limits are strictly observed.

- Shall submit to the Grievance Committee all grievances beyond Step II and shall process all Group, Board, Union Policy grievances and personal grievances at Step II and to Arbitration (if necessary).
- Shall police the Collective Agreement and should be conversant with the Labour Relations Act and OHIP, OMERS Pension Plans, Insurance plans, etc. and be prepared to assist members with their problems.
- Shall report to the Executive Board once a month and to the General meeting one a month.
- Shall be a member of the Negotiating Committee.

SECTION 10 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

a) Nominations

1. Nominations will be received at the regular membership meeting held in the month of May.
2. Nominations will be accepted from members in attendance at the nomination meeting or from those members who have allowed their name to be filed in writing at the meeting, witnessed by another member.
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)
4. 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.
5. No member will be eligible for nomination if they are in arrears of dues and/or assessments.

b) Elections

1. At a membership meeting, at least 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.
2. The Elections Committee will determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Chief Returning Officer.

3. 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.
4. The voting will take place on the Thursday immediately prior to the regular membership meeting in the month of June and the term of office will be two years. The vote will be by secret ballot.
5. Voting will be held at the Local's office;

1130 Barton Street East, Suite 202
Hamilton, Ontario
L8H 7P9

The polls will be open from 8:00 am until 5:00 pm

6. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
7. Any candidate 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).
8. All election complaints by candidates 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 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.

c) **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 years or until a successor has been elected and installed, provided, however, that no term of office shall be less than one year and no longer than three years.

(Article B.2.4)

2. The terms of office for Trustees shall be for a three year period. No member who has been a signing Officer for the Local Union is eligible to run for Trustee, until at least one full term of office has elapsed.
3. 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))

d) **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

SECTION 11 – FEES, DUES AND ASSESSMENTS

a) **Initiation Fee**

Payment of initiation fees is a tangible confirmation of the desire to become a member of your Local Union and the Canadian Union of Public Employees. Each application for membership in the Local Union will be directed to the Secretary-Treasurer and will be accompanied by an initiation fee of 1 (one) dollar 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 \$1.

(Article B.4.1)

c) **Monthly Dues**

The monthly dues shall be 2% of regular wages.

(Article B.4.3)

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 days at a previous meeting or 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.

Notwithstanding the above provision, if the CUPE Convention raises the minimum fee and/or dues structure above the level herein established, these By-Laws will be deemed to have been automatically amended to conform to the new CUPE Minima.

(Article B.4.2)

SECTION 12 – NON-PAYMENT OF DUES AND ASSESSMENTS

A member who fails to pay dues and assessments for three 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. The readmission fee cannot be less than the initiation fee of 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 13 – 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 \$100, a notice of motion must be made at a regular membership meeting and then approved at the following regular or special membership meeting before the grant or contribution can be paid out. The approval meeting must be no earlier than seven days after the meeting where notice of motion has been given.

d) No Officer or member of Local 4153 will be allowed to spend any Local Union funds without first having received authorization under Section 13(a) of these bylaws.

SECTION 14 – MONTHLY HONORARIUMS

Monthly Honorariums

President	sixty dollars	(\$60.00)
Vice-President	forty dollars	(\$40.00)
Secretary-Treasurer	fifty dollars	(\$50.00)
Recording Secretary	fifty dollars	(\$50.00)
Chief Steward	fifty dollars	(\$50.00)
Membership Officer	thirty dollars	(\$30.00)

Monthly Mileage Expense Allowance

President	seventy dollars	(\$70.00)
Chief Steward	seventy dollars	(\$70.00)
All Stewards & WSIB Reps	fifty dollars	(\$50.00)

Other Expenses

- For approved Union business, Board business, negotiations or arbitrations, a per diem will be paid as follows:

Breakfast	fifteen dollars	(\$15.00)
Lunch	twenty dollars	(\$20.00)
Supper	thirty dollars	(\$30.00)
- For training seminars, conventions, and conferences, a per diem of one hundred (\$100.00). For attending the aforementioned, the above per diem is not applicable.
- Donations shall be kept to a maximum of \$100.00
- Strike donations shall be kept to a maximum of \$100.00 for CUPE Locals or \$50.00 for non-CUPE Locals
- Personal appeals shall be kept to a maximum of one hundred dollars.
- Flowers or a basket of fruit may be sent to any members who has been hospitalized for not less than three days due to illness.
- Upon the death of a member's father, mother, spouse, son, daughter, sister, or brother, the Local may send flowers, a fruit basket, or a charitable donation to a charity of the family's choice.
- When a member retires, the Union will present them with a gift of \$50.00.

SECTION 15 - 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 4153 is committed to removing barriers within its control so that all members have equal access to participation.

- a) When it is practical and demand warrants, Local 4153 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 living wage for the area for each hour of required care. Reimbursement will be provided upon proof of payment.
- b) Any member who is on authorized Local 4153 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.

- c) Claims will not be paid for a spouse, partner, or a family member who normally provides care without charges. Claims will not be paid for periods of time where a member would normally have paid for care such as during normal hours of work at their job.

SECTION 16 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS

- a) Except for the President's option [Section 9(a)], all delegates to conventions, conferences, and educationals shall be on the recommendation of the Executive Board and as approved by the membership.
- b) It is understood that any participant to conventions, seminars, conferences, or councils shall participate fully in business of the conventions, seminars, conferences, or councils for the duration of the aforementioned.
- c) Delegates to the Hamilton District CUPE Council shall be appointed by the executive. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall make a written report at each Local Union membership meeting on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages.
- d) Delegates to the Hamilton CLC District Labour Council shall be appointed by the executive. A member responsible for reporting back to the Local Union membership shall be appointed by the President from among these delegates, and the member appointed shall report at each Local Union membership on proceedings at recent meetings of the Council. The Local Union will reimburse the member's employer for any loss of wages.
- e) All delegates attending conventions, conferences, or educationals held outside the town of Hamilton shall be paid transportation expenses at the current CRA mileage rate. The Local Union will reimburse the member's employer for any loss of wages.
- f) Local 4153 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences, and educationals.
- g) All delegates to Union functions within 100 kilometers of Hamilton shall be paid transportation expenses at the CUPE National rate per kilometer. Beyond a radius of 100 kilometres, transportation expenses will be based on the most economic means of transportation. Each delegate will be allowed ground transportation to and from the railroad station, bus terminal, or airport to their residence and/or hotel. All delegates to Union functions held locally shall have no travel allowances.
- h) All delegates to a Union function required to stay overnight outside the city of Hamilton will be paid the rate of a single room accommodation in the hotel at which the function is being held. If the function is held outside a hotel, the rate of a suitable hotel close to the site of the Union function will be used.

The delegate may be paid hotel expenses for the night preceding the Union function if it is necessary for the delegate to be present or if by reason, the distance is too far to travel in the morning. They will be paid hotel expenses for each full day the function

is in progress, but not the final day, unless they sit past the supper hour, or by reason of extenuating circumstances, or no transportation is available.

Should the delegate choose to commute daily, no hotel expense will be paid, but they shall receive the appropriate allowance for each day, not to exceed the hotel allowance.

SECTION 17 – COMMITTEES

a) 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 shall be elected at a membership meeting, or may, by specific authorization of the membership, be appointed by the President or the Executive Board. Two members of the Board may sit on any special committee as ex-officio members.

1. Negotiating Committee

This will be a special committee established at least six months prior to the expiry of the Local Union'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 shall consist of the President, the Chief Steward, and elected members as per the collective agreement 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 from formulating proposals, through negotiations, to contract ratification by the membership.

The Committee shall make the recommendation, subject to approval by the membership, to either accept or reject offers made to or by the Committee, and also whether strike action should be taken. Once a tentative agreement has been reached, it shall be the responsibility of the Committee not to divulge details of the agreement until fully presented to the membership at a ratification meeting.

Members of the Negotiating Committee shall be reimbursed for any lost wages incurred through negotiating meetings with management.

All members of Local 4153's negotiating committee new to the bargaining process shall attend Level 1 and Level 2 of CUPE's collective bargaining educationals.

b) Permanent Committees

Permanent committees will have a term of two years. Committees will provide written reports to each regular membership meeting.

There shall be eight permanent committees as follows:

1. Grievance Committee

This 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.
- If the decision is to not proceed, the grievor(s) may appeal the decision to the Executive Board.
- Ensure that each member be given fair representation

The chairperson shall be the Chief Steward. The committee members will be the elected chairperson and stewards. The committee shall appoint its secretary from among its members. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.

There shall be up to 10 Stewards elected at large. Any Steward failing to attend three (3) complete consecutive membership or Steward meetings without having submitted good reason for such failures, shall have their position declared vacant, and such vacancy shall be filled by election at the next regular membership meeting.

Stewards shall:

- Be responsible for proper handling and filing of Step 1 grievances, and to ensure fair representation of all members of this Local. It shall also be the responsibility of Stewards to ensure the Chief Steward is fully informed of all occurrences.
- Shall, at the request of the Grievance Committee Chairperson, attend regular meetings with the Grievance Committee Chairperson, Recording Secretary, and Chief Steward prior to, after, or during monthly Executive Board meetings.
- Shall, after being elected for the first time, take CUPE's steward training.

2. Education Committee

This committee will:

- Gather information about appropriate courses, the availability of courses, and make recommendations to the Local Union on whether or not members should be attending.

- Assist delegates in the preparation of reports to the membership on seminars and conferences and maintain a reference file of these reports.
- Cooperate with the National Union Development Department and Communications Branch of CUPE, and with the regional Education Representative, in implementing both the Local Union's and CUPE's policies in these fields.
- The committee shall meet at least 2 times a year

The committee members shall be comprised of five (5) members in good standing appointed by the Executive Board. The elected chairperson will be elected from the five committee members. The committee shall appoint its secretary from among its members. The Chief Steward shall sit on the committee as an ex-officio member.

3. Women's Committee

This committee will:

- Advise and give guidance to Officers, committee members and the general membership on all issues that affect women in the workplace and the union movement.
- Promote leadership of women at the Local Union level and in the broader labour movement.
- Increase and support the active participation of women in the Local Union and the broader labour movement.
- Strive to eliminate gender discrimination in the workplace, Local Union, broader labour movement, and society through education and participation in human rights activities both in and outside of the labour movement.

The committee members will be the elected chairperson and five members. The committee shall appoint its secretary from among its members. The executive shall appoint one of its members to sit as an ex-officio member.

4. Committee Against Racism and Discrimination (CARD)

This committee will:

- Advise and give guidance to Officers, committee members, and the general membership on all issues that affect all equity-seeking groups, including people of colour, Aboriginals, lesbian, gay, bi-sexual and transgendered workers in the workplace and the union movement.
- Promote leadership of equity-seeking workers at the Local Union level and in the broader labour movement.
- Increase and support the active participation of equity-seeking workers in the Local Union and the broader labour movement.

- Strive to eliminate racism and discrimination in the workplace, Local Union, broader labour movement, and society through education and participation in human rights and anti-racism activities both in and outside of the labour movement.

The committee members will be the elected chairperson and five members. The committee shall appoint its secretary from among its members. The executive shall appoint one of its members to sit ex-officio on this committee.

5. Health and Safety Committee

This committee will:

- Work to educate members on the importance of workplace health and safety.
- Prepare and present reports to the regular membership meetings.
- Participate on the Joint Worksite Health and Safety Committees (JWH&SC) at their workplace.
- Ensure that the worker representatives on the JWH&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.

Members of this committee should be designated as a "Certified Worker Representative" in accordance with the legislation in their respective jurisdictions (provincial, federal).

The committee members will be the elected chairperson and ten members. The committee shall appoint its secretary from among its members. The second vice president shall sit ex-officio on this committee.

Any Health and Safety Committee member failing to attend three (3) complete consecutive membership or Health & Safety Committee meetings without having submitted good reason for such failures, shall have their position declared vacant, and such vacancy shall be filled by election at the next regular membership meeting.

6. Bylaw Committee

This committee will:

- Review the bylaws 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 bylaws are written in clear language, ensuring that clear language does not change the intent or meaning of the bylaws.
- All recommendations to the By-Law committee must be submitted in writing to the Chairperson of the By-Law committee.
- All recommendations will be reviewed and prepared by the By-Law committee, then presented to the membership for final approval. Such approval shall require a two-thirds majority vote.

The committee members will be the President, Recording Secretary, two Executive Board Members and 2 members in good standing who holds no current office with the local to be elected from the membership. The committee shall appoint its secretary from among its members. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted during the review process.

7. Labour / Management Committee

The Labour/Management Committee shall be comprised of the Executive Board members.

It shall be the duty of the Committee to present the employer with such concerns as health and safety, correcting conditions causing grievances and misunderstandings, reviewing member's comments or suggestions regarding working conditions, and any other matters of mutual Labour/Management concern.

8. W.S.I.B. Committee

CUPE 4153, through its WSIB Committee, will handle a member's WSIB claim and represent the member at meetings, hearings, etc., until the claim reaches a stage which is beyond the abilities of the WSIB Committee.

When a claim reaches a point outlined above, it will be referred to the appropriate consultant. The first option will be a CUPE National Rep. If any other consultant is to be used, he or she must be approved by the Executive. Any cost of this representation will be paid by CUPE Local 4153.

Retired members who have a WSIB claim will be referred to the Office of the Worker Advisor, or to a consultant who is endorsed by CUPE Local 4153. The retired member will be responsible for any cost of this representation.

If any member uses representation outside the WSIB Committee, the Union will not be responsible for the claim, nor will the Union be responsible for any costs incurred. Also, the Union will not take over the handling of the claim at a later

date. In the case of an injured member using representation outside the WSIB Committee, the members must sign a waiver form authorizing whoever will be representing them.

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 bylaws 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 bylaws 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

A Local Union can amend or add to its bylaws only if:

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

(Articles 13.3 and B.5.1)

c) Effective Date of Amended or Additional Bylaws

The amended or additional bylaws 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 bylaws within 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 Local 4153 bylaws, either in paper format or via the Local Union website. Members requesting a copy of these bylaws will be provided a copy in either French or English as requested. Members with special needs may request a copy of the bylaws in larger font.

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 4153 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 4153 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 4153 is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation. Local 4153 needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local 4153 expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local 4153 sets out standards of behaviour for members at meetings, and all other events organized by Local 4153. 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 4153 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 well-being.

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 Bylaws of Local 4153, 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 Secretary will be the Chairperson at the membership meeting. In the absence of the President, Vice-President and 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.
20. The Chairperson will ask "Will the main question be now put?" where a motion for the previous question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.
21. A motion to adjourn is in order except when a member is speaking or when members are voting.
22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.
23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.
24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to 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.

25. 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.
26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.
27. 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.

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