# *CANADIAN UNION OF PUBLIC EMPLOYEES*

# *SYNDICAT CANADIEN DE LA FOCTION PUBLIQUE*

# *LOCAL/SECTION LOCALE 3913*

# *BY-LAWS*

**Adopted Oct. 19, 1994 Amended Mar. 15, Oct. 24, Dec. 7 1995, Dec. 5 1996, Dec. 2 1997, March 10, Sept. 30 1998, June 6 2001, Jan. 30 2002, Mar. 13 2002, Nov. 13, 2003 and March 11 2004.**

## *Preamble:*

This organization shall be known as the Canadian Union of Public Employees/Syndicat Canadien de la fonction publique, Local/Section locale 3913, at the University of Guelph. The membership of the Local shall consist of all Teaching/Service Assistants and Sessional Lecturers at the University of Guelph that fall within the bargaining units of the Local. The Local is committed to (I) the protection, maintenance, and promotion of the interests of the members of the Local; (ii) the regulation and improvement of the relations between employer and employee through collective bargaining and joint consultation; (iii) the improvement of the quality of teaching and education at the University of Guelph; (iv) the improvement and advancement of a system of quality, accessible, and public post-secondary education in Canada.

## *1. Local Executive Structure*

## *A. The Executive Committee*

The Executive Committee of the Local shall consist of the Chairperson*, the Vice-Chairperson*, the Unit 1 and Unit 2 Chief Stewards*, the Finance Officer*, the Communications Officer*, the Women's Council Representative, the Gay Bisexual Lesbian Transgendered Transsexual Representative (GBLTT), the Undergraduate TA representative and the International Students' Representative. All Executive Officers shall be elected for a one year term at the Annual General Meeting (AGM). Nominations for the Executive Committee posts will be opened at the membership meeting before the AGM. All nominees for Executive Committee positions shall be members in good

standing of the Local at the time of their nomination.

**For the purpose of interpreting the CUPE National Constitution these titles correspond to President, Vice-President, Secretary-Treasurer, and Recording Secretary.*

**I.** The elections of the Executive Committee at the AGM shall consist of : (I) The vote to elect the Chairperson (ii) the vote to elect the Vice-Chairperson (iii) the vote to elect two Chief Stewards, (iv) the vote to elect one Finance Officer, (v) the vote to elect one Communications Officer, (vi) the votes to elect one International Students' Representative, and one Undergraduate TA representative, and (vii) the votes to elect Executive Members at Large. The Women's Council Representative shall be elected by the Women's Council, while the GBLTT Representative shall be elected by the GBLTT Council.

**II.** Each executive committee position shall receive a monthly honorarium. The honoraria shall be one hundred and fifty (150) dollars each for members of the Executive committee. The level of these honoraria shall be decided at the AGM.

**III.** The elections of the Executive Officers and the Executive Members at Large shall be by secret ballot, and shall be arranged by the Chief Elections Officer. If Executive Offices remain vacant after the election, such offices may be filled in subsequent membership meetings. Until such time, the Executive may appoint members in good standing to the vacant positions.

**IV.** Quorum for executive meetings shall be 50% + 1 of the Executive committee members as elected or appointed.

**V.** Executive Committee meetings shall be open to all members in good standing of the Local, except where the Executive vote to hold a session in camera.

**VI.** Any officer of the Local, except the Women's Council Representative and the GBLTT Council Representative, may be recalled by a two-thirds vote of the membership present at a membership meeting. Notice of such a vote shall be given in the announcement of the membership meeting. A recall vote may only be called by the Executive if: (i) they have received a petition signed by at least 20% of the membership, or (ii) upon a two-thirds vote of the Executive. Ample time should be given at the membership meeting for the officer undergoing recall to speak on her or his behalf.

**VII.** If the removal of either the Women's Council Representative or the GBLTT Council Representative is at issue, the Executive Committee, by a two-thirds (2/3) majority vote, may direct either Council to hold a special meeting to consider recall of the Representative in question.

**VIII.** After the recall of a member of the Executive, other than the Women's Council Representative or the GBLTT Council Representative, the other committee members shall have the power to appoint a member in good standing of the local to fill this position until the next membership meeting, when they must hold an election for the vacant post. The successful candidate's term of office, in this case, shall run to the next AGM.

**IX.** The Executive Committee shall authorize the expenditures, implement the policy of the Local and make recommendations to the Local for their consideration. The Executive Committee shall, in consultation with the Grievance Committee, handle grievances at the stage of arbitration. In the absence of a functioning Grievance Committee the Executive shall handle all stages of the grievance procedure. Decisions of the Executive Committee should be arrived at by consensus if possible.

**X.** It is the Executive Committee's responsibility and duty as elected officers to make sure that the business of the Local is carried out in a timely and efficient manner. For this purpose, where, despite the best efforts of the Executive Committee (understood to mean that Article 10. (a) has been followed), quorum is not made for a General Membership Meeting, then it shall be the responsibility of the Executive Committee to ensure that the regular business, as defined in the Preamble of these Bylaws, of the Local continues. It shall be understood that this article can never be used to allow the Executive Committee to unilaterally modify these Bylaws.

## *B. Executive Members At Large*

**a.** Executive Members At Large shall include the Health and Safety Representative and the Assistant Chief Stewards. The Assistant Chief Stewards shall be representatives from the following: The College of Biological Sciences, the College of Arts, Ontario Veterinary College, Ontario Agricultural College, College of Social and Applied Human Science, and the College of Physical Engineering Sciences.

**b.** All Executive Members At Large shall be elected in the same manner as the Executive Committee, will have met the criteria of member in good standing and, where applicable, shall be a member of the constituency they wish to represent. If an At Large position remains vacant, the Executive may appoint someone from that particular constituency or a suitable replacement. Recall provisions will also apply.

**c.** Executive Members At Large shall have vote and voice at Executive meetings.

**d.** Each Executive At Large position shall receive a monthly honorarium. The honoraria shall be sixty (60) dollars each for Executive Members at large. The level of these honoraria shall be decided at the AGM.

## *2. Duties of Executive Officers:*

**a.** The Chairperson is the chief administrative officer and staff supervisor of the Local, responsible for the smooth running of the Local, and for contacts with other Unions on campus. S/he shall also be responsible for calling Executive Committee meetings, and fixing the date of membership meetings in consultation with the other Executive officers. S/he shall also having signing authority for cheques and other official documents. The Chairperson shall be the presiding officer at all Executive Committee or membership meetings, except where s/he designates a replacement, and shall be the chief spokesperson for the Local.

**b.** The Vice-Chairperson shall be responsible for all contacts the Union has with organisations outside of the University. S/he shall report to the membership and to the Executive Committee on all business conducted with the Union and other Locals. The Vice-Chairperson may, in the absence or with the consent of the Chairperson, act as spokesperson for the Union.

**c.** The Unit 1 and Unit 2 Chief Stewards shall organise and chair the Unit 1 and Unit 2 Stewards' Committees, respectively, coordinate their respective Unit's Assistant Chief Stewards, and shall be responsible for recruiting and co-ordinating volunteer office workers from among the general membership. The Chief Stewards will attempt to ensure that each department elects Unit 1 and Unit 2 stewards, and that each college elects Unit 1 and Unit 2 Assistant Chief Stewards. The Chief Stewards are required to report on their respective Steward's Committees at the Executive Committee meetings. The Chief Stewards shall be the co-chairs of the Grievance Committee.

**d.** The Finance Officer shall receive and receipt all money of the Local and maintain properly the Local's accounts. The Finance Officer shall regularly make a full financial report to meetings of the Local's Executive Committee, as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period. At the end of the fiscal year the Finance Officer shall be responsible for the presentation of a financial statement and a budget for the upcoming year. The Finance Officer shall ensure that the books and records are submitted to the trustees every six months and that all funds owing are forwarded to the National Secretary-Treasurer no later than the last day of the following month. At the end of his/her term of office, the Finance Officer shall turn over to his/her successor, all properties and assets, including funds, books and records belonging to the Local Union.

**e.** The Communications Officer shall be the chief recording officer of the Local, and shall be responsible for keeping a full account of all executive and membership meetings. The Communications Officer shall also keep an accurate record of the membership, and shall be responsible for maintaining

the Local's files. The preparation of agenda for Executive meetings and membership meetings shall also be a responsibility of the Communications Officer. The Communications Officer shall organise and chair the Communications committee. The Chairperson, the Finance Officer and the External Representative all have the authority to sign cheques. Each cheque has to be signed by at least two signatories.

**f.** Each Member At Large shall represent the interests of their constituency, will maintain contact with the members and stewards of their respective constituencies, and will ensure that their views are put forth to the Executive as a whole.

**g.** All Executive Officers are jointly responsible for the effective operation of the Local Executive and shall perform any additional duties deemed necessary by the Executive Committee.

**h.** Every Executive Committee Member shall attend all Executive meetings and contribute four (4) office hours per week towards the running of the Local. Every Executive At Large Members shall contribute two (2) office hours per week towards the running of the Local.

## *3. Councils and Committees:*

**a.** The Local shall have the following standing committees: The Communications Committee, the Grievance Committee, the Unit 1 Stewards' Committee, the Unit 2 Stewards' Committee(which together shall form the Stewards Council), the Gay Bisexual Lesbian Transgendered Transsexual Council, the Political Action Committee, and the Women's Council. Additionally there shall be a Bargaining Committee at such times as it is required by Article 7 and one or more Elections Committees as required by Article 8. Further, pursuant to the Ontario Labour Relations Act, there shall be an Internal Bargaining Committee made up of three (3) Executive committee members, one of whom shall be the Chairperson of the Executive committee. The Internal Bargaining Committee shall be charged with negotiating and ratifying any Collective agreement/s with the employees (if any) of the Local. The Executive Committee or a general membership meeting may establish ad hoc committees for limited terms as they see fit.

**b.** The Communications Officer is the chair of the Communications Committee. The Unit 1 and Unit 2 Chief Stewards are automatically the chairs of their respective Stewards' committee and co-chairs of the Grievance Committee.

**c.** The Elections committee shall be chaired by the Chief Elections Officer, who shall be elected at the membership meeting before the AGM. Nominations for Chief Election Officer should be made at the second membership meeting of the year. If quorum is not made at the second membership meeting of the year

then the Executive Committee may open the nominations for the Chief Elections Officer.

**d.** The Women's Council shall operate at arm's length of the Executive Committee and the membership shall consist of all women in good standing in the Local.

**e.** The Gay Bisexual Lesbian Transgendered Transsexual Council shall operate at arm's length of the Executive Committee and the membership shall consist of all Gay Bisexual Lesbian Transgendered Transsexual persons, supporters and allies of the Council in good standing in the Local.

**f.** All Chairs of Councils and Committees should encourage participation, by members of the Local, in their Councils and Committees. Each committee shall consist of at least three members, and Chairs should endeavor to get representation on their committees from all Departments in the University. No member of the bargaining units may be prevented from serving on a committee that they volunteer to be part of unless: (i) They fail to meet the criteria of membership in good standing, (ii) two thirds of the committee's members vote to exclude that member, or (iii) in the case of the Stewards' Committees, they are not members of the Unit that the Stewards' Committee represents. Any expelled or excluded member has the right to appeal this decision to the Executive Committee, which may over-rule the Committee's decision. All meetings of Committees shall be open to the members in good standing of the Local, except the meetings of the Grievance Committee, the Women's Council, and the GBLTT Council, who in turn may invite other members to attend from time to time.

## *4. Communications Committee:*

The Communications Committee shall be chaired by the Communications Officer and shall comprise at least two other members in good standing. It shall be responsible for the Local Newsletter, providing notification to all members of Executive, Committee, and Membership meetings, including special meetings. The Committee shall also be responsible for the dissemination of agenda for the membership meetings.

## *5. Grievance Committee:*

**a.** The Grievance Committee shall consist of the Chief Stewards, and at least two other members in good standing of the Local.

**b.** Grievance Committee meetings shall be closed, except that the Committee may invite other Union members to attend specific meetings. In all cases, the grievor shall be afforded the opportunity to make a presentation to the committee when the Committee is deciding whether to proceed with their

grievance. Members of the Grievance Committee are expected to treat as confidential all discussions entered into by the Committee.

**c.** The Grievance committee shall deal with all grievances. Decisions of the Grievance committee shall be reported to the Executive Committee by the co-Chairs of the Grievance Committee. Where it has been decided to withdraw a grievance or to proceed to arbitration, the co-Chairs must inform the Executive Committee before acting on that decision. The Executive Committee has the right to veto decisions by the Grievance Committee. The membership meeting has the right to veto decisions of the Executive Committee.

## *6. Stewards Committee:*

**a.** Members of each Unit in each department shall elect one steward. The Unit stewards within each college will then elect one of their number to be the Unit's Assistant Chief Steward within that college. Stewards serve from September to September, but may be recalled, due to dereliction of duty, by a petition signed by two-thirds of the Unit membership in their department. The Executive Committee will then be responsible for calling a meeting of the Unit members in that department for the purposes of electing a new steward to serve until the next September. In normal circumstances, the outgoing steward is responsible for organising a meeting of Unit members in her/his department in September. If the outgoing steward is unable to organise this meeting, it should be called by the Unit's Chief Steward in consultation with members of the Unit in that department. A college's Assistant Chief Steward may be recalled, due to dereliction of duty, by a two-thirds vote of their Unit's departmental stewards.

**b.** Stewards shall serve as Local representatives at the departmental level. Members having grievances, questions or information relevant to the Local operations should consult with their steward. The Unit Assistant Chief Stewards shall coordinate the activities of the unit stewards within their college, and substitute for the departmental stewards where necessary.

**c.** The Unit 1 and Unit 2 Stewards' Committee, consisting of all elected or appointed Unit 1 and Unit 2 stewards, respectively, shall meet regularly to discuss matters of concern within each of their departments. These meetings shall be chaired by the Unit's Chief Steward. The Chief Stewards are responsible for reporting all recommendations of the Stewards' Committee to the Executive Committee.

**d.** In the event that Unit members in a department are unable to elect a steward, the Executive may appoint a Unit steward for this department. The appointed steward must be a member of the Unit for which they will be steward, and must also come from the same college as the department for which s/he is appointed.

## *7. Bargaining Committee:*

**a.** The Bargaining Committee shall consist of the Chair of the Bargaining Committee, the Chairperson, the Chief Stewards, and one member in good standing from each Unit. In the event of vacancies the Executive may appoint members in good standing to these positions from their respective Units. The Bargaining Committee Chair shall be the Local Union's Staff Representative.

**b.** The Bargaining Committee shall develop and present bargaining proposals to the membership for approval before presentation to the employer. It shall also be responsible for presenting any agreements made through collective bargaining to the membership in accordance with the CUPE Constitution. The Bargaining Committee is responsible for bargaining with representatives of the University, and shall also make recommendations to the membership in regards to the timing of strike votes. The Bargaining Committee is required to report regularly to both the Membership meeting and to the Executive Committee.

**c.** The Executive shall call for the formation of a Bargaining Committee not less than six months in advance of the expiration date of the current Collective Agreement. The Bargaining Committee may (but need not be) dissolved following ratification of a new Collective Agreement.

**d.** An honorarium shall be paid to each member of the Bargaining Committee.

## *8. Elections Committee:*

An Elections Committee shall be struck at the following times:

**i.** Leading up to an Annual General Meeting so as to handle the election of new Executive Members and Members at Large. This committee shall be chaired be the Chief Elections Officer chosen in accordance with Article 10. (b).

**ii.** When it is necessary to hold a ratification vote for a new Collective Agreement, or a strike vote.

**iii.** In the event that it becomes necessary to hold a referendum.

**iv.** Any other time it is deemed necessary by the membership to hold a formal vote.

In all cases there shall be one Chief Elections Officer for each standing Elections Committee elected at a regular membership meeting. In case (i) the Chief Elections Officer may comprise the entire Elections Committee. However, no member in good standing may be prevented from sitting on an Elections Committee except that they may be excluded from a committee handling the

election of Executive and Member at Large positions if they are running for one of these positions. In all other cases the Elections Committee must include at least two additional members in good standing. At least one member of the committee must be neither a member of the Executive nor a Member at Large. In case (ii) at least one member of the Elections Committee must be someone who does not sit on the Bargaining Committee.

## *9. Trustees:*

The Local Union shall elect three trustees as per Article B.3.10 of the CUPE National Constitution. The Trustees shall examine the books and records of the Finance Officer and inspect or examine all assets of the Local at least every six months, and shall report to the next regular meeting of the Local Union following the end of each half year on the condition of the funds and accounts, the number of members in good standing, together with such other information they may deem necessary to the efficient and honest administration of the Local Union. They shall transmit a copy of such report to the CUPE National Secretary-Treasurer.

## *10. Membership Meetings:*

**a.** The Executive Committee is responsible for calling membership meetings, and of notifying the Communications Committee in time so that they can inform the membership at least one week before the meeting is scheduled to take place. The Executive should arrange five membership meetings during the academic year, including the AGM.

**b.** Meetings should be held at the following times: (i) early October, (ii) early December, (iii) late January, (iv) the AGM in early March, and (v) sometime during the spring sessions or summer semester. The first meeting of the academic year should welcome new members, and may include a workshop arranged by the Women's Council Representative. The second meeting should take nominations for the Chief Elections Officer. The third meeting should elect a Chief Elections Officer. The fourth meeting (the AGM) shall elect the union officers scheduled to be elected at the AGM.

**c.** All membership meetings shall be conducted in accordance with the current edition of Bourinot's Rules of Order. A summary of these rules of order should make up part of the workshop in the October membership meeting.

**d.** The quorum for a membership meeting is no fewer than 20 members in good standing, or 5% of the membership at the time the membership meeting occurs, whichever is less. In the case of meetings or sub-meetings at which a vote is to be taken specific to one unit (e.g. approval of bargaining proposals) the quorum for a membership meeting or sub-meeting of Unit 2 only will be

understood to be 5 members in good standing or 5% of the current Unit 2 membership, whichever is less.

## *11. Special Meetings:*

**a.** A special meeting of the membership may be called by a vote of the Executive Committee, or by a petition signed by at least ten percent of the membership. On presentation of a petition the Executive is required to call a meeting within one month, and in accordance with by-law 10(a). The petition must clearly state what business is to be discussed at this meeting.

**b.** Special meetings are to be treated as if they were regularly scheduled membership meetings. The Executive may add other business to the agenda, but in the case of meetings called by petition the subject of the petition must be the first item of business.

## *12. Collective Agreement:*

Collective agreements with the University must first be approved by the unit membership in a ratification vote by secret ballot. A majority of votes cast is sufficient to ratify the agreement. The collective agreement shall be signed for the Local by the Bargaining Committee.

## *13. Dues:*

**a.** The level of monthly dues shall be determined, initially, in the first membership meeting, after recommendations by the Executive Committee. Thereafter, changes to the dues can only be made by a referendum of the membership. Only members in good standing one week prior to the referendum may vote. The Executive Committee must give members at least a month's notice that a referendum will be held.

**b.** A special assessment may be levied in accordance with the relevant provisions of the National Constitution.

## *14. Rights and Obligations of the Membership:*

**a.** Membership in the Canadian Union of Public Employees, Local 3913 have the right to attend all membership meetings with voice and vote. All members in good standing have the right to run for any office in the Union. Members in good standing also have the right to vote in any Union referenda.

**b.** Membership in good standing is defined as anyone who has worked within the Local's bargaining units in the previous 12 months.

**c.** Membership in the Canadian Union of Public Employees shall obligate the member to abide by the provisions of the National Constitution of the Union and the by-laws of the Local. All members must abide by any legal agreement entered into on their behalf.

**d.** Any charges against any member or officer must be made in writing and dealt with in accordance with the provisions of Article XIII of the CUPE National Constitution.

## *15. Strikes:*

**a.** Any strike vote must be approved by the majority vote of a unit membership meeting. After an affirmative vote in said membership meeting, the Executive must arrange a vote of all the members of the unit by secret ballot. This must be held within two weeks of the membership meeting vote, and all members must be informed at least seven days before the vote. Polling on the day of the vote shall be between 10.00 AM and 8.00 PM. Members who will not be on campus for the vote must arrange with the Elections Committee to submit a sealed vote in a pre-election poll.

**b.** A simple majority (50% + 1) affirmative vote of ballots cast in the referendum is required before any strike action can be authorized.

**c.** Payment of strike benefits shall be as per CUPE's National Defense Fund Regulations.

## *16. Amendments to the by-laws:*

Amendments to the by-laws shall be consistent with the CUPE National Constitution. Proposed amendments to the by-laws require a notice of motion at a membership meeting. Amendments at the meeting shall pass by a two-thirds majority.

## *17. Donations Protocol:*

In keeping with the commitments of the Local as outlined in the Preamble of these Bylaws, the members may authorize, through a majority vote at meetings of the membership, the donation of money to individuals and groups based on the following guidelines:

**I. General Guidelines:**

~ Solicitations from the organizations and individuals representing the following interests will be considered: 1. Labour 2. Social Justice

~ Within each category, causes, the benefits of which are substantially local in nature, shall be the highest priority.

~ Normally only one donation per year shall be made to any organization or individual.
~ Only appeals for donations in aid of a cause or activity of a secular nature will be considered.
~ Financial contributions will not be made directly to any political party or candidate.
~ Appeals from sister CUPE Locals for funds to assist an individual member will not be automatically placed on the agenda of the GMM/AGM; however, individual members may place such appeals on the agenda.
~ Appeals need not be presented in person but may be presented by proxy or other media, provided the appeal is placed on the agenda of the meeting.
~ Donations for both categories shall not exceed the amounts allotted for them in the Budget of the Local without the notification and consent of the membership.
~ A minimum donation of $50.00 and a maximum donation of one-quarter (1/4) of the Budget allotment may be made to any one group or individual per year excepting time sensitive requests where the Executive may, when deemed necessary, also appeal to the membership to increase the $50.00 maximum donation.
~ In the absence of a GMM/AGM, the Local Executive may authorize donations up to $50.00 for time sensitive requests. Total donations given in this manner are not to exceed half (1/2) of the donations budgeted per category.

## *I. Definitions:*

**1.** Donations grouped under Labour shall be restricted to those requests for Strike Support and Solidarity. Appeals from striking union locals shall be placed on the Agenda of the first available GMM for consideration. In considering the appeal, the Executive shall consider the particulars of the individual case as well as the geographic location.

**2.** Donations grouped under Social Justice shall be restricted to those requests for aid, not including strike support, from individuals and organizations working towards any of the Objectives outlined in the CUPE Constitution. These are:
~ The organization of workers generally, and in particular all workers in the public service of Canada.
~ The advancement of the social, economic and general welfare of active and retired employees.
~ The defense and extension of the civil rights and liberties of public employees and the preservation of free democratic trade unionism.
~ The improvement of the wages, working conditions, hours of work, job security, and other conditions affecting all employees including retirees pension benefits.

~ The promotion of efficiency in public service generally.

~ The promotion of peace and freedom in the world, and the cooperation with free and democratic labour movements throughout the world.

~ The utilization of our world's natural and human resources for the good of all the world's people while promoting the respect and conservation of the environment and the creation of sustainable communities and jobs.

~ The elimination of harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition to discrimination of same wherever it occurs or appears.

~ The establishment of strong working relationships with the public we serve and the communities in which we work and live.

~ The elimination of persecution for convictions of conscience.