

Canadian Union

of

Public Employees

Local 2204

Union of Child Care Workers of Eastern Ontario

BY-LAWS

(Approved AGM - October 1, 2013)

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PREAMBLE

In order to improve the social and economic welfare of it's members without regard to gender, age, race, creed, colour, national origin, religion, political affiliation, sexual orientation or marital status, to promote efficiency in public employment and to manifest it's belief in the value of the unity of organized labour, this Local of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following By-Laws are adopted by the Local pursuant to, and to supplement, Appendix "B" of the CUPE Constitution, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

SECTION 1 - NAME

The name of this local shall be: Canadian Union of Public Employees, Local No. 2204 (Child Care Workers of Eastern Ontario).

SECTION 2- OBJECTIVES

The objectives of the Local are to:

- a) secure adequate remuneration for work performed and generally advance the economic and social welfare of it's members and of all workers;
- b) support CUPE in reaching the goals set out in Article ii of the CUPE Constitution;
- 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 disputes between members and their employers;
- e) work towards securing adequate government funding to provide quality non-profit child care for all parents and children who need it;

SECTION 3- INTERPRETATIONS and DEFINITIONS

- a) Feminine and masculine pronouns shall be understood to include either gender, except where the context clearly denotes otherwise.
- b) Numbers of the Articles at the end of the sections and sub-sections refer to relevant articles of the CUPE Constitution (1988), which should be read in conjunction with these by-laws.

SECTION 4- MEMBERSHIP MEETINGS- Regular and Special

- a) Regular membership meetings shall be held each month, or as deemed necessary by the Executive.
- b) Special membership meetings may be ordered by the Executive or requested in writing by no fewer than 10% (ten percent) of the members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least 24 (twenty-four) hours notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.
- c) A quorum for the transaction of business at any regular or special meeting shall be 8 % (eight percent) of the membership, including at least 3 (three) members of the Executive.
- d) The order of business at regular membership meetings is as follows:
 - 1) Introduction of members present
 - 2) Equality Statement Read
 - 3) Adoption of Agenda
 - 4) Minutes of previous meeting
 - 5) Business arising
 - 6) Treasurer's report
 - 7) Correspondence
 - 8) Committee reports
 - 9) Nominations, Elections and Installations
 - 10) Unfinished business
 - 11) New business
 - 12) Good of the union
 - 13) Adjournment

(Article B.8.i)

SECTION 5- VOTING OF FUNDS

Except for ordinary expenses and bills as approved at membership meetings, no sum over \$200 (two hundred dollars) shall be voted for the purpose of a grant or contribution to a member or any cause outside of CUPE, except by a notice given in writing and dealt with at the following membership meeting.

The Secretary-Treasurer may keep and administer a petty cash fund of \$100 (one hundred dollars).

(Article B.4.4)

SECTION 6- TABLE OFFICERS

The Table Officers of the Local shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, Correspondence Secretary, and three (3) Trustees. All Officers shall be elected by the membership.

In addition, there can be a maximum of one (1) Past Table Officer position which would be filled each year by an out-going officer in one of the following positions: President, Vice-President, Recording Secretary, Correspondence Secretary, or Secretary Treasurer. The intent of this position is to capture and transmit experience gained during past terms and to ensure on-going succession building in the local. This position shall have voice but not vote and shall not exceed a one-year term. A Past Table Officer must be elected into the position by a majority of members in attendance at either an annual or general membership meeting.

SECTION 7- EXECUTIVE

- a) The Executive shall be comprised of all Table Officers (excluding Trustees) and the Unit President (or other representative) from each centre.
(Article B.2.2)
- b) The Executive shall meet at least ten (10) times per year.
(Article B.3.14)
- c) A majority of the Executive constitutes a quorum.
- d) The Executive officers shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and have it approved.
- e) The Executive shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees.
- f) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution.
(Articles B.6.1 to 6.5)
- g) Should any Executive member fail to answer the roll call for three consecutive regular membership meetings or four regular Executive meetings without having submitted good reasons for those failures, her office shall be declared vacant and shall be filled by an election at the following membership meeting.
(Article B.2.5)

- h) Executive members have a duty to protect the confidentiality of any information received by the Executive and to ensure that all such confidential information will only be used as authorized.

SECTION 8 - DUTIES OF OFFICERS

(a) The President shall:

- enforce the CUPE Constitution and these by-laws;
- preside at and chair membership and Executive meetings and preserve order (this responsibility will alternate with the Vice President by-monthly);
- decide all points of order and procedure (subject always to appeal to the membership);
- have a vote on all matters (except appeals against her rulings) and in case of a tie vote in any matter, including elections, have the right to cast an additional vote to break the tie;
- work with the Vice President to ensure that all officers perform their assigned duties;
- work with the Vice President to introduce new members;
- sign cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, by-laws, or vote of the membership;
- have first preference as a delegate to the CUPE National Convention

(Article B.3.1)

(b) The Vice-President shall:

- if the President is absent or incapacitated, perform all duties of the President
- preside at and chair all membership and Executive meetings and preserve order (this responsibility will alternate with the President by-monthly);
- work with the President to ensure that all officers perform their assigned duties;
- work with the President to introduce new members;
- if the office of President becomes vacant, be acting President until a new President is elected;

- render assistance to any member of the Executive as directed by the Executive.

(Article B. 3.2)

(c) The Recording Secretary shall:

- keep full, accurate and impartial account of the proceedings of all regular or special membership and Executive meetings;
- prepare and distribute circulars and notices to members;
- fulfill other duties as directed by the Executive;
- have all records ready on reasonable notice for auditors and trustees;
- preside over membership and Executive meetings in the absence of both the President and the Vice-President;
- on termination of office, surrender all books, seals and other properties of the Local to her successor.

(Article B.3.3)

(d) The Correspondence Secretary shall:

- report on all incoming correspondence, summarizing and giving recommendations to the Executive
- file incoming correspondence
- fulfill other duties as directed by the Executive;

(e) The Secretary Treasurer shall:

- receive all revenue, initiation fees, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union;
- receive all CUPE National per capita tax cheques and deposit cheques no later than the last day of the month received;
- record all financial transactions in a manner acceptable to the Executive and in accordance with good accounting practices;
- make a financial report at Executive and General meetings
- make all books available for inspection by the auditors and/or Trustees on reasonable notice, and have the books audited yearly

- provide the Trustees with any information they may need to complete the audit report forms supplied by CUPE;
- ensure that the Local has at least three signing officers and that two of these officers sign each cheque issued by the Local;
- notify all members who are one month in arrears and report to the Executive all members two or more months in arrears in payment of union dues;
- on termination of office, surrender all books, records and other properties of the Local to her successor (Article B.3.4 to B.3.9)
- be bonded for not less than \$1000.00 through the master bond held by the National Office and any Treasurer who cannot qualify for the bond shall be disqualified from office.

(f) The Past Table Officer (when applicable) non-voting capacity:

- support the Local Table Officers and Executive in building solidarity;
- help to ensure succession-building in the Local;
- act as a sounding board and resource for the Table Officers and Executive of the Local, and
- fulfill other duties as directed by the Executive;

(g) 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 Standing Committees at least once every calendar year;
- make a written report for 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 are not paid out without proper constitutional or membership authorization;

- ensure that proper financial reports are made 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, and report their findings to the membership;
- send a copy of the completed audit report (on the prescribed form provided by the National Secretary-Treasurer), as well as a copy of their report to the Local Union membership along with a copy of their recommendations and/or concerns to the President and Secretary-Treasurer and the Secretary-Treasurer's response to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy of the assigned servicing representative; (Articles B.3.10 to B.3.12)

SECTION 9 – POSITION OF THE UNION EDUCATION OFFICER

The Local shall maintain an office and a paid Union Education Officer position. This position will work independently, but within a collective framework to provide office administration and communication support for the Local Executive. The Union Education Officer will report to the Local Table Officers (President, VP, Secretary Treasurer, Recording Secretary and Correspondence Secretary).

The Union Education Officer will assist the Local, its Committees and Officers through providing research, education, coordinating collective bargaining, assisting with grievances and member needs and will represent the Local in advocacy networks to advance the needs of members and high quality public and non-profit child care.

SECTION 10 - OUT-OF POCKET EXPENSES

The following expense allowance shall be provided:

- a) i) Where a member is sent as a delegate of the Local for out-of-town conferences, conventions, meetings or training where overnight accommodation is required: A \$90 per diem as follows: \$90 for a full day, \$45 for a half day. If meals are provided, the member shall not receive a per diem, but shall be reimbursed for all reasonable costs incurred (receipts to be provided). On travel days the per diems shall be pro-rated by half-day allowances as required.

- ii) Where a member is sent as a delegate of the Local for in-town conferences, conventions, meetings, or training: A \$45 allowance for members attending full-day sessions. However, on days where members must attend full-day plus evening sessions (itemized schedule of sessions attended to be provided) a \$90 full day allowance will be provided. If meals are provided, the member shall not receive a meal allowance, but shall be reimbursed for all reasonable costs incurred (receipts to be provided). Members attending evening sessions shall not receive a meal allowance.
- b) Travel and accommodation expenses will be paid. Receipts must be submitted with an accompanying Expense Voucher form detailing the reasons for the expenses;
- c) Registration or attendance fees will be paid by the Local directly or the member will be reimbursed upon presentation of a receipt and Expense Voucher form;
- d) When necessary the Local will advance funds to a member who will then provide receipts and a completed Expense Voucher form.

SECTION 11 - FEES, DUES, AND ASSESSMENTS

Monthly Dues

The monthly dues shall be 2%.

Changes in the monthly dues can be effected only by following the procedure for amendment of these by-laws (see section 15 b) with the additional provision that the vote must be by secret ballot.

(Articles B.4.1 & B.4.3)

Notwithstanding the above provisions, if the CUPE Convention raises minimum fees and/or dues above the level herein established, these by-laws will be deemed to have been automatically amended to conform to the new CUPE minima.

Special assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution.

SECTION 12 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

(a) Nomination

Nominations shall be received at the Annual General Meeting (normally held in October). No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting her consent in writing.

(b) Elections

- 1) At the Annual General Meeting the President shall appoint a Returning Officer. The Returning Officer shall have full responsibility for voting arrangements and shall treat information submitted to her in connection with her responsibilities as confidential.
- 2) The Executive shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- 3) The Returning Officer shall be responsible for issuing, collecting, and counting ballots. She must be fair and impartial and see that all arrangements are unquestionably democratic.
- 4) The voting shall take place at the Annual General Meeting normally held in October. The vote shall be by secret ballot.
- 5) Voting to fill one office shall be conducted and completed, and recounts dealt with, before balloting may begin to fill another office.
- 6) A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, the presiding officer may cast the deciding vote.
- 7) When two or more nominees are to be elected to any office by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
- 8) Any member may request a recount of the votes for any election and a recount shall 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 laid down in **Section 4 (c)**.

(c) Installation

- 1) All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for not less than one (1) year or more than three (3) years or until a successor has been elected

and installed, provided, however, that no term of office shall be longer than three (3) years. (Article B.2.4.)

- 2) The terms of office for Trustees shall be as laid down in Article B.3.10 of the CUPE Constitution.

(d) By-Election

Should an office fall vacant, the resulting by-election should be conducted as closely as possible in conformity with this section.

SECTION 13 - DELEGATES TO CONVENTIONS

- a) Except for the President's option [Section 8 (a)], all delegates to conventions shall be selected at membership meetings.
- b) Delegates to the Ottawa-Carleton CUPE District Council and the Ottawa-District Labour Council shall be elected annually. An official reporter for these delegates shall be appointed annually by the President from among these delegates, and she shall be required to report at each membership meeting of the Local on proceedings at recent meetings of the Councils.
- c) All delegates selected to attend the conventions held outside the city of Ottawa shall be paid transportation expenses (at economy, tourist or coach rates), a per diem allowance as outlined in Section 9 of these by-laws, and an amount equal to any loss of salary incurred by attendance at the convention.
- d) Delegates to convention held locally shall have no travel allowance. There shall be a per diem allowance as outlined in Section 9 of these by-laws and compensation for any loss of salary incurred by attendance at the convention.
- e) Notice of upcoming labour educational will be communicated to all centres in the Local. The Executive shall determine funding and representation will be determined on a first come first served basis.

SECTION 14 - COMMITTEES

(a) Negotiating Committee

This shall be a special ad hoc committee established at least three (3) months prior to the expiry of the Local's collective agreements 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. In the case of the Co-op's, the Committee

shall consist of a member representative for each co-op centre. In the case of Andrew Fleck, the committee shall consist of a minimum of four (4) members. In the case of Tunney's Day Care, the committee shall consist of a minimum of two (2) members. In the case of the YMCA/YWCA, the committee shall consist of a minimum of two (2) members. In the case of City View, the committee shall consist of a minimum of three (3) members. All representatives will be elected at a unit membership meeting. The CUPE Representative and or the Local Education Officer may be non-voting member(s) of the Committee and may be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

(b) Special Committees

A special ad hoc committee may be established for a specified purpose and period 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. Two members of the Executive may sit on any special committee as ex-officio members.

(c) Standing Committees

The Chair of each standing committee shall be elected by the members of the Committee. The members of the Committee shall be elected by the members at unit meetings. The Vice-President shall be a member, ex-officio, of each committee. There shall be the standing committees as follows:

1) International Solidarity Committee

This committee shall work to raise awareness around issues related to international trade union solidarity.

- a) Build support for CUPE National's Union Aid Fund.
- b) To put on workshops and arrange for guest speakers to talk about issues that affect working people globally.

2) Newsletter Committee

It is the function of this committee to support effective communication between the local executive and the membership;

- a) to solicit articles from various committees and members;
- b) to produce quarterly membership newsletters.

3) Workers Compensation Committee

This committee shall be responsible for assisting members in their worker compensation claims.

- a) education of membership on the correct procedures for reporting injuries in the work place and the responsibilities of the worker, employer and physician concerning compensation claims;
- b) set up system for recording and monitoring compensation claims.

4) Political Action Committee

This committee will work with the Local executive to develop relevant political action campaigns aimed at all three levels of government and the public to encourage and promote the development of accessible, affordable, quality childcare as a universal right for all parents and children;

- a) to act as a conduit for information between the executive and the membership by working within centres to encourage participation in political campaigns.

5) Women's Committee

The women's committee will work to raise equity issues within the local particularly as they pertain to women;

- a) to raise the issue of violence against women and to provide support and referral for members in abusive situations;
- b) to arrange for guest speakers on relevant issues;
- c) to work with the Local executive on pay equity.

SECTION 15 - RULES OF ORDER

All meetings of the Local shall 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 by-laws as Appendix "A". These rules shall be considered as an integral part of the by-laws and may be amended only by the same procedure used to amend the by-laws.

In situations not covered by Appendix "A", the CUPE Constitution may provide guidance, but if the situation is not dealt with there, the Bourinot's Rules of Order shall be consulted and applied.

SECTION 16 - AMENDMENT

- a) These by-laws are always subordinate to the CUPE Constitution as it now exists or may be amended from time to time, and in the event of any conflict between these by-laws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.
(Articles 9.2 (c), 15.1, & B.7.1)
- b) These by-laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following seven days' notice at a previous meeting or at least sixty days written notice.
(Article B.7.1)
- c) No change in these by-laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date

from the letter of approval of the National President. (Articles 15.1 & B.7.1)

APPENDIX "A" TO THE BY-LAWS OF CUPE LOCAL 2204

RULES OF ORDER

1. The President or, in her absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Recording Secretary shall act as President, and in her absence a President pro-tem shall be chosen by the Local.
2. No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chairpersons and movers of a resolution shall be limited to fifteen minutes, except with the consent of the meeting.
3. The Local President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise and be recognized by the chair.
4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
5. A motion to amend, or to amend and amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
6. On motion, to regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall if requested by the presiding officer, be presented in writing before being put to the Local.
8. At the request of any member and upon a majority vote of those present, a question may be divided when the sense will admit of it.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority of those present.
10. When a member wishes to speak on a question or to make a motion, she shall rise in her place and respectfully address the presiding officer, but, except to state that she rises to a point of order on a question of privilege, she shall not proceed further until recognized by the chair.

11. When two or more members rise to speak at the same time the presiding officer shall decide which one is entitled to the floor.
12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language as well as any poor reflection on the Local or member thereof.
13. If a member, while speaking, is called to order, she shall cease speaking until the point is determined” if it is decided she is in order she may again proceed.
14. No religious discussion shall be permitted.
15. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, she may in addition give a casting vote, or if she chooses to refrain from breaking the tie, in which case the motion is lost.
17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: “Shall the main question be now put?” If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except (1) when a member has the floor and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again if there is further business before the Local until fifteen minutes have elapsed.
21. After the presiding officer declares the vote on a question and before the Local proceeds to another order of business and member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
22. If any member wishes to challenge (appeal) a decision of the chair, she must do so at the time the decision is made. If the challenge is

seconded the member shall be asked to state briefly the basis for her decision following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie the chair is sustained.

23. After a question has been decided, any two members who have voted in the majority may at the same or next meeting mover reconsideration thereof.
24. During the course of a meeting the Vice-president shall ensure that quorum is maintained and inform the chair when quorum is lost.
25. The Local's business and proceedings of meetings are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.