

November 2024



Canadian Union of Public Employees Local 389

CONSTITUTION and BY-LAWS

WITH AMENDMENTS TO October 26, 2024 (approved by NPO)

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CUPE·SCFP

CUPE / *Canadian Union of Public Employees*

During the months of February, March, April, May, June, September, October and November, the membership meets on alternating Mondays and Saturdays during the last week of the month.

The Annual General Membership meeting is the last Sunday in January.

Canadian Union of Public Employees, Local 389

CONSTITUTION

We, the North Vancouver Civic Employees, appreciating the benefits to be derived through uniting ourselves for mutual protection and economic advancement, do hereby declare the following Constitution for the government of this Local Union.

ARTICLE 1

1.1 That the name of this organization shall be: The Canadian Union of Public Employees – Local 389, (North Vancouver Civic Employees)

ARTICLE 2

2.1 “This Local shall be composed of the employees of the City of North Vancouver, District of North Vancouver, North Vancouver School District No. 44, North Vancouver Recreation and Culture Commission, North Vancouver City Library, North Shore Neighbourhood House, Village of Lions Bay, Northlands Golf Course, North Vancouver District Public Library, North Vancouver Museum and Archives, and other such employees as permitted for membership by the National Constitution of the Canadian Union of Public Employees, who may be deemed eligible for membership be a majority vote of the members voting at any regular meeting of the Local.”

ARTICLE 3

3.1 The objects of the Local shall be:

(a) To obtain and maintain reasonable working conditions and a just and reasonable scale of salaries for Civic Employees.

(b) To co-operate with the City Council, District Council, School District No. 44, North Vancouver Recreation and Culture Commission, City Library Board, North Shore Neighbourhood House, Village of Lions Bay, Northlands Golf Course, North Vancouver District Library Board, the North Vancouver Museum and Archives Commission, and any other Civic Body related thereto.

(c) To promote and develop social relations between the members of the Local.

(d) To support the Canadian Union of Public Employees in its objects as set out in Article II of the CUPE Constitution.

ARTICLE 4

4.1

(a) That 30 paid up members (which must include three members of the Executive as part of the 30) present at any general membership meeting or special general membership meeting constitutes a quorum. In the absence of a quorum at any regular general meeting the Executive shall be empowered to process routine administrative business including regular payments for which the Local is liable will be reported back for ratification at the next regular membership meeting. Quorum is required for a special general membership meeting.

(b) No quorum is required for Unit meetings where strike votes, ratification votes are required for a unit specific vote.

(c) Elections of unit representatives requires a quorum of 30 members, except for units of 100 or less requires a quorum of 10% of total members of the unit.

4.2 A simple majority of Executive Board Members, including the President, or other Officer designated by the President as Acting President shall constitute a quorum of the Executive Board.

ARTICLE 5

5.1 Any person who desires to become a member of the Local shall fill out the regular application blank and check-off form, and sign their name thereto; this application shall be submitted and passed on by the Executive Board before presentation to the General Membership. After such application has been passed up, it shall be filed. Any applicant applying for reinstatement shall have been a member in good standing of this or any Chartered Local of the Canadian Union of Public Employees within a period of not more than one year, previous to application. Initiation fees shall be waived in this case: however, dues shall commence in accordance with the Agreements. Any applicant applying for membership under this clause shall have their application passed on by a majority of the members present and voting, and shall be initiated in accordance with the Constitution.

ARTICLE 6

MEETINGS AND ELECTIONS

6.1 The Annual General Meeting shall be held on the last Sunday of January of each year, and other regular meetings alternate on the last Saturday or Monday of such succeeding months, except during the months of July, August and December, unless designated by a majority of the members present, at any previous meeting. Special membership meetings may be held if necessary.

6.2 A committee of (3) members shall be elected from the floor of the general meeting in the months of November of each year for the purpose of accepting nominees for election to the Executive Board. Such nominating committee shall submit a list of nominees offering themselves for election, to the annual General meeting in January of each year, and nominations of Officers to serve the Local union shall then proceed in accordance with this article. Nothing in this article shall prevent the nominating of qualified members from the floor at the February elections meeting. Any nominated member who is unable to attend the election must submit in writing, be witnessed by another member their intent to stand for nomination prior to the commencement of the election.

6.3 To be eligible for nomination for any Executive Officer or Trustee, it is necessary to be a member in good standing.

6.4 To be eligible for nomination for the office of President, a member shall have served on the Executive for one year.

6.5 A member may be nominated for one or more offices but may only hold one office.

6.6

(a) The election of officers shall be held at the Membership Meeting in February of each year. Voting shall be by majority vote of unspoiled ballots at a membership meeting of the Local Union, by electronic vote at a virtual membership meeting, or by referendum vote if voting at a membership meeting is not practical; and the successful candidate must receive a majority of votes cast to be elected. When three or more candidates are nominated for the same office and no candidate on the first ballot receives a majority of the votes cast, the one receiving the lowest number of votes shall drop out; a second ballot shall then be taken and the same procedure followed (if necessary) until one candidate having received a majority of the votes cast, shall be elected.

Voting to fill one office shall be conducted and completed, and recounts dealt with before balloting may begin to fill another office.

The presiding officer shall have the casting vote in case of a tie. In the event of a vacancy in the office of the President, First Vice-President, Second Vice-President, Secretary-Treasurer or Recording Secretary, an election for such vacancy shall be held at the next regular membership meeting.

(b) There will be ten (10) delegates, the top five (5) officers will be automatic delegates and the remaining five (5) delegates will be elected from the floor.

(c) When two (2) or more candidates are to be elected to any position by ballot, each member voting will be required to vote for the full number of positions to be elected or the member's ballot will be declared spoiled.

(d) Members must be present at the February Membership meeting to be eligible to vote.

OFFICERS

6.7

(a) The Officers of this Local shall consist of:

- A President
- First Vice-President
- Second Vice-President
- Secretary-Treasurer
- Recording Secretary

There shall also be elected from each of the following groups one (1) representative: City Inside Staff, City Outside Staff, District Inside Staff, District Outside Staff, the School District 44 Custodial and Maintenance Staff (1 representative), School District 44 Clerical and Support Staff (2 representatives), North Vancouver Recreation and Culture Commission, North Vancouver City Library, North Shore Neighbourhood House, Village of Lions Bay, Northlands Golf Course, District of North Vancouver Library and the North Vancouver Museum and Archives. These fourteen (14) representatives together with the above-named Officers shall constitute the Executive Board, with the immediate Past-President ex-officio member.

(b) The election of unit representatives as outlined in Article 6.7 above shall be conducted in January of each year prior to the Annual General Meeting, at a unit meeting called for this purpose.

6.8 There shall be in addition to the above officers, three (3) Trustees elected in accordance with Article 7.6.

6.9 The term of office for the Executive Board member shall be as follows:
President – Two Years. First Vice-President – Two Year. Second Vice-President – One Year. Secretary-Treasurer – Two Years. Recording Secretary – Two Years. Representatives – One Year.

All Executive Board members shall serve as specified above or until their successors are elected. The Trustees shall be elected and shall hold office as provided in Article 7.6.

6.10 The Bargaining Committee shall consist of the President, the Secretary-Treasurer, the Canadian Union of Public Employees' Representative, and where applicable, the group representative(s) involved. In the absence of one or more of the above-named officers or Executive Board members, the President shall appoint from the Executive Board to the vacant position(s).

ARTICLE 7

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.

All signing officers of CUPE Local 389 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified for having signing authority.

DUTIES OF OFFICERS

President

7.1 The President shall preside at all regular and all special meetings of the Local; call special meetings when necessary, or if requested to do so by ten (10) members in good standing; sign all orders on the Treasury when ordered by the Local; appoint all committees not otherwise provided for and perform such other duties as may pertain to the President's office. It shall also be the President's duty to see that all other officers perform their duties strictly in accordance with the Constitution and By-Laws of the Local and of the Canadian Union of Public Employees.

Vice-Presidents

7.2 The Vice-President or Vice-Presidents in order of seniority shall perform the duties of the President in the absence of that officer and, in case of the resignation or death of the President, shall perform the duties of the President until such vacancy is filled as provided in the Constitution of this Local. A Vice-President shall also preside when called upon by the President and at times when the President may be temporarily unable to discharge the President's duties.

Secretary-Treasurer

7.3

(a) The Secretary-Treasurer shall keep all financial accounts of the Local Union and shall maintain correct and proper accounts of all its members. The Secretary-Treasurer shall receive all initiation fees, dues, assessments and fines from members of the Local Union and shall deposit same in the name of the Local Union in such bank or Credit Union as the Union may direct. The Secretary-Treasurer shall make all disbursements for the Local Union as provided in Section B.4.4 of Appendix "B" of the National Constitution.

(b) The Secretary-Treasurer shall be properly bonded with a faithful performance of duty bond, such bond shall not be less than \$500.00 and shall be approved by the National Secretary-Treasurer of the Canadian Union in accordance with the National Constitution.

(c) The Secretary-Treasurer shall make a financial report to the Local Union monthly. It shall be the duty of the Secretary-Treasurer to keep on file all receipts for money sent to Canadian Union Headquarters during the year.

(d) The Secretary-Treasurer shall submit all books and records half-yearly to the Trustees for audit and shall furnish the Trustees with a letter from the bank where the funds of the Local Union are deposited, attesting to the amount to the credit of the Local union at such bank.

(e) The Secretary-Treasurer shall forward to the Nation Secretary-Treasurer of the Canadian Union, on the official monthly report form provided, not later than the 15th day of each month, all financial obligations owing to the Canadian Union. The Secretary-Treasurer shall forward one dollar (\$1.00) of each initiation fee on all members admitted (except for those named on the list forwarded with the application for a charter_ along with the per capita tax on all dues received by the Local Union. The report should also set out the number of those initiated, reinstated, suspended and expelled and the number of members on whom per capita is being paid.

(f) At the end of the term of office, the Secretary-Treasurer shall turn over to the successor, all properties and assets, including funds, books and Records belonging to the Local Union. Any Secretary-Treasurer who cannot qualify for a bond, shall immediately be disqualified from the office and the Local Union shall proceed with the election of another Secretary-Treasurer.

Recording Secretary

7.4

(a) The Recording Secretary shall keep a full, correct and impartial account of each meeting.

(b) The Recording Secretary shall be responsible for the maintenance and safe preservation of the Minute Books. 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 as well as Trustee's reports.

(c) The Recording Secretary shall attend all meetings, regular, executive, and any other that may be called by the President.

(d) The Recording Secretary shall perform such other duties as generally pertain to the office.

Representatives

7.5

(a) The Representatives shall gather all pertinent information referring to grievances and initiate procedure.

(b) The Representatives shall see that the conditions of collective agreement are upheld and notify the President of any apparent violations.

(c) The Representatives shall familiarize the members of their divisions of their rights and obligations under the collective agreement.

Trustees

7.6

(a) The Trustees shall audit the books of the Secretary-Treasurer and shall exercise general supervision over the property of the Local Union. At the first election of officers in a Local Union the Trustees shall be elected so that one shall service for a period of three (3) years, one for two (2) years and one for one (1) year. Each year thereafter the Local Union shall elect one (1) Trustee for a three-year period or, in case of vacancies occurring, elect Trustees to preserve overlapping terms of office.

(b) The Trustees shall examine the books and records of the Secretary-Treasurer and inspect or examine all properties, bonds, and all other assets of the Local at least half yearly or every six (6) 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, the number initiated, expelled or suspended, admitted or withdrawn, 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 National Secretary-Treasurer of the Canadian Union.

Sergeant-at-Arms Committee

7.7 The Sergeant-at-Arms Committee shall consist of not more than four (4) members of the Local Union. The Secretary-Treasurer of the Local Union shall be the chairperson and the three (3) Trustees members of the Committee, provided, however, that in the absence of the chairperson or any member, the President or presiding officer shall have the authority to appoint such members as may be necessary to allow the Sergeant-at-Arms Committee to fulfill the following duties:

- (a) Take charge of the door of the General and Special meetings of the Local and prevent members not in good standing from entering the meeting.
- (b) Examine all present at any meeting and report to the Chair anyone not known by them to be a member in good standing of the Local.
- (c) See that only those in good standing remain in attendance at any meeting.
- (d) Conduct applicants for membership through the Initiation Ceremony.
- (e) Permit no one who has not obtained permission to retire from any meeting of the Local.
- (f) Perform such other duties as the Local or its Presiding Officer may direct.

7.8 If an officer fails to attend three (3) consecutive Executive meetings and or three (3) consecutive Membership meetings without good and sufficient reason and notice their office will be declared vacant and filled at the next meeting, by a

majority of the members in good standing, present and voting by ballot. Good and sufficient reason is defined as Illness, having to work, compassionate or vacation.

7.9 In the event of any Executive Board member, other than officers, as defined in Article 6.7 of this Constitution, failing to answer the roll call for not less than three (3) consecutive membership meetings or three (3) consecutive Executive meetings without good and sufficient reason the position will be declared vacant and filled at the next meeting

7.10 Should an office fall vacant; the Executive Board may appoint a replacement on a temporary basis to act in that officer's stead for a maximum of up to (three months) at which time the position will be declared vacant and filled at the next meeting.

ARTICLE 8

8.1 Any Out-of-Pocket Expenses to be paid to any officer of the Local shall be such a sum as may be set at the Annual Meeting.

ARTICLE 9

INITIATION FEES, DUES, MEMBERSHIP AND TRIAL PROCEDURE

9.1 The Initiation Fees shall be Ten Dollars (\$10.00). The Initiation Fee will be waived for member in good standing from other CUPE Locals who become eligible for transfer to this Local. The initiation fee for new, unorganized workers shall be Two Dollars (\$2.00).

9.2 A Local Union can set or change the regular monthly dues at a regular or special membership meeting vote. Notice of at least seven days (7) at a previous meeting or sixty days (60) before in writing must be given. The monthly dues and/or any special assessments shall be such a sum as the Local may from time to time decide. However, notice of motion must be given before any change is made in existing dues or special assessments.

(a) The monthly dues shall be 2% of regular wages.

(b) Scholarship Assessment of \$5.00 per member per year to be deducted in June of each year for the Local Scholarship fund.

(c) A member who fails to pay Dues and Assessments for three (3) months is automatically suspended.

9.3 All civic employees shall, as a condition of employment, maintain membership in good standing, and any civic employee who shall hereafter become a member of this Local, shall as a condition of employment maintain such membership in good standing.

9.4 When an applicant for membership is reported on by the Executive Board, the President shall ask whether there are any reasons known to exist why the applicants should not be admitted to membership. If no objections are stated, the Local shall proceed to vote, and a majority of the members in good standing present and voting shall admit the applicant as a member.

9.5 All charges against members or Officers must be made in writing and dealt with in accordance with the Trial Procedure provisions of the National Constitution.

9.6 The Trial procedures of the Local shall be the Trial Procedures as set out in the Canadian Union of Public Employees Constitution and By-Laws.

ARTICLE 10

GENERAL

10.1 The Rules of Debate procedure not herein provided for, shall be in accordance with and as provided for in the rules laid down by Bourinot's Rules of Order.

10.2 All Committees shall perform the duties assigned to them within the time specified and shall report the results of their efforts back to the Local.

10.3 The Order of Business shall be as follows:

- Roll Call of Officers.
- Territorial Acknowledgment.
- Reading of the Equality Statement.
- Voting on New Members and Initiations.
- Reading of the Minutes.
- Matters Arising.
- Treasurers Report.
- Communications and Bills.
- Executive Board Report.
- Reports of Committees and Delegates.
- Nominations, Elections, or Installments.
- Unfinished Business.
- New Business.
- Good of the Union.
- Adjournment.

10.4. Action to amend the Constitution and By-Laws of this Local shall be taken through Notice of Motion, served at a special or general membership meeting at least seven days prior to a special meeting to vote on Notice of Motion, or submitted in writing at least 60 days prior to the meeting to vote on the Notice of Motion. And shall require two-thirds (2/3) majority of the members in good standing and present and voting. Notices of Motion shall be read at the meeting following this at which they are made and thereupon

dealt with. Any changes in these By-Laws shall not be valid until approved by the national President of the Canadian Union of Public Employees in accordance with the National Constitution.

ARTICLE 11

INITIATION OF MEMBERS

11.0

(a) New Members will be required to report for initiation to the front of the assembly when called upon by the President.

(b) The President shall then ask the Applicant: "Are you willing to undertake an obligation of this Union?" and upon receiving a satisfactory reply the President shall then proceed to read the obligation contained in Section B.9.4 of the National Constitution, as follows, requiring the applicant to repeat the same, word for word, after the President:

(c) "I solemnly promise and declare that I will support and obey the Constitution and By-Laws of this Union; that I will strive to improve economic and social conditions for my fellow members and for working people generally; that I will defend and strive to extend the democratic rights and liberties of all working people; that I will not purposely or knowingly wrong, or assist others in wronging, a member of the Union."

ARTICLE 12

INSTALLATION OF OFFICERS

12.1

(a) When members are elected for and to offices of the Local, the newly elected officers shall take their place in front of the Presiding Officer and shall be requested to repeat the following obligation:

(b) "I _____, do most sincerely promise that I will truly and faithfully, to the best of my ability, perform the duties to my office, for the ensuing term, as prescribed in the Constitution and By-Laws of the Canadian Union of Public Employees, and as an officer of this Union will at all times endeavor, both by counsel and example, to promote the harmony and preserve the dignity of its sessions.

I further promise, that at the close of my official term, I will promptly deliver all monies, books, papers, or other property of this Union in my possession to my duly elected successor in office."

ARTICLE 13

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 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 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.

RULES OF ORDER

13.1 On motion the regular order of business may be suspended by a two-thirds (2/3) vote of the meeting at any time to dispose of urgent business.

13.2 Any conversation which is calculated to disturb a member while speaking or hinder the transaction of business shall be deemed a violation of order.

13.3 All questions of a Parliamentary nature, not provided for in these Rules shall be decided by Bourinot's Rules of Order.

MOTIONS

13.4 A motion to be entertained by the Presiding Officer, must be seconded and the Mover and Secunder must rise and be recognized by the chair.

13.5 In presenting a motion, a brief statement of its object may be made, but no discussion of its merits shall be permitted until the Question has been stated by the chair.

13.6 A member who has made a motion can withdraw it by consent of the seconder, providing it has not been debated. A motion, once debated can be withdrawn by unanimous consent.

13.7 A motion to amend an amendment shall be in order, but no motion to amend an amendment to an amendment shall be permitted.

13.8 Any member may call for a division of a motion when the sense will permit thereof.

DEBATE

13.9 A motion shall not be subject of debate until it has been stated by the chair.

13.10 When a member wishes the floor the member shall respectfully address the chair, and, if recognized by the chair, the member shall be entitled to the floor.

13.11 If two or more members arise to speak at the same time, the chair shall decide who is entitled to the floor.

13.12 Each member, when speaking, shall confine the discussion to the Question under debate and avoid all personal, indecorous or sarcastic language.

13.13 No member shall interrupt another while speaking, except to a point of order, and then shall definitely state the point, and the chair shall decide the same without debate.

13.14 If a member, while speaking, is called to order, that member shall be seated until the point of order is decided, when, if decided in the member's favour, the member may proceed.

13.15 If a member feels personally aggrieved by a decision of the chair, the member may appeal to the meeting from the decision.

13.16 When an appeal is made from the decision of the chair, said appeal shall be stated by the Chairperson of the meeting in these words "shall the decision of the chair be sustained as the decision of this meeting?" The member will then have the right to state the grounds of the member's appeal and the chair will give the reason for this decision, whereupon the meeting will proceed to vote on the appeal without further debate.

13.17 No member shall speak more than once on any subject until all members desiring the floor shall have spoken: no more than twice without unanimous consent, nor more than Five (5) minutes at any one time.

13.18 The presiding officer shall vacate the chair when desiring to speak on any subject, and the Vice-President shall take the chair.

Appendix B

Code of Conduct

The mandate of our union, the Canadian Union of Public Employees (CUPE), is to organize and defend workers and to promote economic and social justice for our members and for all workers. In carrying out our work, we in CUPE strive to promote our 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.

CUPE is committed at all levels to creating a union which is inclusive, welcoming, and free from harassment, discrimination, and all types of bullying and intimidation. CUPE needs to ensure that we provide a safe environment for members, staff, and elected officers to carry out our work. CUPE's expectation is that mutual respect, understanding, and co-operation will be the basis of all our interaction.

This Code of Conduct sets out standards of behaviour for participants at national convention, conferences, schools, meetings, and any other union events organized by CUPE National, Local 389, or any other CUPE chartered body. It is consistent with the expectations outlined in the Equality Statement and the CUPE National Constitution.

This Code of Conduct is intended to deal with complaints of inappropriate behaviour at events organized by CUPE National and at events, meetings, and activities by other CUPE bodies. 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 CUPE members, staff, and elected officers, 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.
- Take responsibility for not engaging in inappropriate behaviour due to use 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 the 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 them 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. A complaint shall be brought to the attention of an ombudsperson when there is one available. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
3. The ombudsperson or the person in charge will work to seek a resolution. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge. The person in charge has the authority to expel members from the event for serious or persistent offenses.
4. If the complaint involves a national staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another CUPE chartered organization, the complaint shall be referred to the person responsible for their employment.
5. If the person in charge is a party to the complaint, an alternate will be designated to assume the role.
6. In a case where a member has been expelled from a National event, the National President shall receive a report on the matter. For other events, the presiding officer shall receive a report on the matter.
7. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National. For other events, the presiding officer shall consult the National President.

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 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 under Appendix F of the CUPE National Constitution.



*CONSTITUTION
and BY-LAWS*

CUPE / *Canadian Union
of Public Employees*

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