

**LOCAL UNION CONSTITUTION AND BYLAWS**

**CANADIAN**

**OFFICE & PROFESSIONAL EMPLOYEES**

**UNION**

**LOCAL 96**

**January**

**2021**

**Approved, March 16, 2021**

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CONTENTS

LOCAL UNION 3

CONTENTS 3

ARTICLE 1 - CONSTITUTION AND BY-LAWS 3

ARTICLE 1A - FISCAL YEAR 3

ARTICLE 1B - GENDER CLAUSE 3

ARTICLE 2 - NAME 3

ARTICLE 3 - EXISTENCE 4

ARTICLE 4 - JURISDICTION 4

ARTICLE 5 - MEMBERSHIP 4

ARTICLE 6 - MEETINGS 5

ARTICLE 7 - OFFICERS AND DUTIES 6

ARTICLE 8 - EXECUTIVE BOARD 10

ARTICLE 9 - ELECTIONS 12

ARTICLE 10 - ELECTION COMMITTEE 13

ARTICLE 11 - FINANCES 15

ARTICLE 12 - USE OF FUNDS 16

ARTICLE 13 - VERIFICATION OF BOOKS 17

ARTICLE 14 - OFFENCES AND PENALTIES 18

ARTICLE 15 - DISCIPLINE PROCEDURE 19

ARTICLE 16 - APPLICANTS 20

ARTICLE 17 - PROCEDURE AT MEETINGS 21

ARTICLE 18 - WITHDRAWAL AND MILITARY SERVICE CARDS AND WORK PERMITS 21

ARTICLE 19 - WITHDRAWAL CARD RECIPROCITY 22

ARTICLE 20 - STRIKES 23

ARTICLE 21 - VACANCIES IN OFFICE 24

ARTICLE 22 - COMMITTEES 24

ARTICLE 23 - AFFILIATIONS AND DELEGATES 27

ARTICLE 24 - NATIONAL CONSTITUTION 28

ARTICLE 25 - AMENDMENTS 28

ARTICLE 26 - UNIT STRUCTURE 29

PROCEDURE FOR INITIATION OF MEMBERS 30

INSTALLATION OF LOCAL UNION OFFICERS 31

OPERATING RULES AND REGULATIONS 31

**ARTICLE 1**

**CONSTITUTION AND**

**BY-LAWS**

The Constitution of this organization shall be within the framework of the Constitution of the Canadian Office and Professional Employees Union and these By-Laws shall be in all respects subordinate to said Constitution and all applications and interpretations thereof.

**ARTICLE 1A**

**FISCAL YEAR**

The Fiscal year of the Local Union shall begin on January 1st and end on December 31st.

**ARTICLE 1B GENDER CLAUSE**

Wherever in these By-Laws the masculine gender is used, it shall be gender neutral.

**Article 1C**

Meeting notices wherever any By-laws referenced to posted notice, it is understood that it may include both paper or electronic format.

**ARTICLE 2**

**NAME**

This organization, located in Thunder Bay, Ontario, shall be known as the Canadian Office and Professional Employees Union, Local 96. This Union shall be and remain a chartered Local Union of the National Union, the Canadian Office and Professional Employees Union of the Canadian Labour Congress and COPE Ontario.

**ARTICLE 3**

**EXISTENCE**

When any Local union ceases to represent employees of any employer in such a way that it affects its viability the National Union Executive

Board may suspend the charter of such Local union and order it dissolved. Upon the dissolution of this Local union, all its properties and assets, including its funds, books and records, shall become the property of COPE Ontario in trust for a period of one (1) year, during which time such property shall be returned to this Local union if it is reconstituted.

After such one (1) year period such properties and assets shall become the property of COPE Ontario, and the funds will be placed in COPE Ontario treasury to be used by COPE Ontario for its general purposes.

**ARTICLE 4**

**JURISDICTION**

Section 1: This Union shall embrace within its membership employees in any phase of professional, technical, office, clerical and related work in the commonly accepted sense of that term coming within the jurisdiction established under the Constitution of the Canadian Office and Professional Employees Union.

Section 2: Where no Council exists, the National Executive shall determine jurisdiction between Local unions and settle all controversies respecting jurisdiction between Local unions.

**ARTICLE 5**

**MEMBERSHIP**

Section 1: No person shall be admitted to membership who advocates principles or lends support to organizations or movements whose purposes and objectives are in conflict with those of the National union.

The signature of a membership application constitutes the undertaking to comply with the constitution of the National Union, Local Union and Council; membership shall be deemed accepted unless denied by the Executive Board of the Local Union for just and sufficient cause. An appeal of this decision is possible under the applicable procedure.

Section 2: An ex-officio employee or officer of a Council or the National Union may participate in this Union's meetings but no vote; provided, however, such officers shall retain and may exercise their rights of participation if they hold membership in this Union.

Section 3: A person is no longer a member when:

- they/them is suspended or expelled;

- they/them no longer meets the requirements to be a member;

- they/them is no longer employed by this Union, a Council or the

National Union;

- they/them has withdrawn their membership.

No member shall hold right, title or interest in the assets, funds and other property of the Local Union, Council or National Union.

Section 4: Members who are retired may elect to have a Non-Active Membership in this Union as per the National Constitution Article 4, section 4.4. They may attend general meetings of this Union with no voice and no vote. If during the term of the elected President, Executive Vice President, Treasurer, Recording Secretary, Sergeant-at-Arms’ mandate, they retire, they may complete their term, but will not be eligible to stand for any further elections. (Upon retirement of the Unit Vice President(s) and Unit Bargaining Chair(s), they may not continue in their role as they are no longer an active staff member of the employer, they may move to the Non-Active Membership with no voice and no vote)

Section 5: For this composite Local Union, when an employer definitely shuts down operations governed by a certified bargaining unit held by a Local Union, or if the certificate is revoked while an Officer is in its employ, this Officer may continue to pay the regular monthly union dues until the end of his term. Once his term has expired, this person may not be nominated to any office of the Local Union.

**ARTICLE 6**

**MEETINGS**

Section 1: Four (4) general membership meetings of this Union shall be held on the THIRD TUESDAY of January, March, June, September, at 6:00 pm at a place as designated by the Executive Board, this may include virtual meetings. Every second (2nd) year in November, a special meeting will be held for Elections effective 2017.

The regular membership meeting shall be the governing body of this Local Union and shall establish the policies in accordance with this constitution. The regular membership meeting shall be the legitimate source of all authority.

Section 2: No action of the membership shall be deemed valid or binding unless such action is taken by the membership at a regular or special meeting held pursuant to the provisions of this Constitution and By-Laws.

Section 3: A special meeting of the Union may be called by the Executive Board if it deems such action necessary or a special meeting of the Union may be called upon request submitted to the President by not less than 25% of the members in good standing, but said meeting shall not take place of the day of adjournment of any regular meeting.

For special meetings of a Unit see Article 26.

Section 4: The Recording Secretary shall have notices posted of any special meeting, stating the purpose for such meeting, at least twenty- four (24) hours before it convenes. No other business shall be transacted at such special meeting.

Section 5: The majority of the Executive plus one of the members in good standing shall constitute a quorum for any regular membership or special meeting. No meeting shall be called to order unless such quorum is present. Unless it is otherwise stipulated, decisions are made by majority vote.

Section 6: Only members fulfilling the requirements of Articles 5 and

20, of this Constitution and By-Laws shall be eligible to attend meetings of the Union and to participate to the extent set forth in those Articles; except that invited guests of the Executive Board or of the Union may attend and participate to the extent of the purposes for which they are invited, but shall not vote.

Section 7: There shall be a minimum of three (3) Unit meetings to be held at the discretion of the Unit VP or Bargaining Chair.

**ARTICLE 7**

**TABLE OFFICERS AND DUTIES**

Section 1: The Union shall have the following table officers: President, Executive Vice-President Treasurer, Recording Secretary and Sergeant-at-Arms.

Section 2: The President

The President shall preside at all regular membership meetings, special meetings and Executive Board meetings; shall preserve order during its deliberations; signs cheques drawn on the treasury; appoint all committees not otherwise elected; transact such other business as may of right pertain to their office and which may be necessary to the proper functioning of this Union; and shall have such other powers and duties as are provided for in this Constitution and By-Laws. They/them shall be a member ex-officio of all committees and will sit on the COPE Ontario Executive Board as Vice President. The President or designate will be allowed three (3) paid working days per month to perform their duties. Upon retirement from their regular work place, the president shall forfeit the three (3) paid days, if they/them so chooses to return to work on a full time or part time bases the three (3) days shall be reinstated.

The President or designate shall be the main spokesperson and officer of the Local Union or Council; it shall be the duty of the President to protect and promote its interests.

The National Union shall be provided, upon request, of a copy of a concluded collective agreement.

Section 3: The Executive Vice-President

 1)The Executive Vice-President shall be elected from the membership at large.

They/them shall perform the duties of the President in the absence of that officer, and in case of resignation or death of the President, shall assume the duties of the President until such position is filled by the next regular election as provided for in this Constitution and By-Laws. They/them shall also preside when called upon by the President and at times when the President may be temporarily unable to discharge their duties. They/them is authorized to sign cheques drawn on the treasury.

They/them shall be responsible for representing the small units. They/them will chair the swag committee and they/them will chair the web committee.

Section 4: Treasurer

The Treasurer shall perform the following duties:

(a) They/them shall keep all financial accounts of this Union and shall maintain correct and proper accounts of all its members. They/them shall be responsible for collection of all monies owed to the Local from members of this Union and other debtors; to have cheque signing authority. Make all disbursements for this Union as provided for in Article 12 of this Constitution and By-Laws. They/them shall keep a correct record of all monies received and expended and prepare financial statements by calendar months to be submitted to the Treasurer of the National Union monthly, and to the next regular membership meeting of the Local Union.

(b) They/them shall deposit all funds of this Union in a chartered bank or other financial institution. They/them upon the expiration of their term, turn over to their successor all properties and assets, including funds, books, and records of this Union. They/them shall turn over all properties and assets, including funds, books and records, to the Treasurer of the National Union or their duly authorized representative when properly called upon to do so.

(c) The Treasurer shall remit to the COPE Ontario Treasurer all financial obligations owing to COPE Ontario not later than the fifteenth (15th) day of the following month to enable COPE Ontario to remit all the Local union financial obligations owing to the National Union. They/them shall follow such accounting and reporting procedures as shall be formulated by the Treasurer of the National Union. They/them shall be required to make monthly reports to the Treasurer of the National Union of all dues paying members on forms prescribed by the Secretary- Treasurer of the National Union.

(d) They/them shall be required to include in each monthly report the name and addresses of all newly initiated, transferred, reactivated and inactive members who have withdrawn, died or have been suspended, including members automatically suspended after three (3) months delinquency in dues.

(e) The Treasurer shall submit to the National Secretary-Treasurer all relevant information pertaining to those bank accounts.

(f) Where there are trustees, the Treasurer shall, upon request, submit to the trustees all books and records to the trustees including financial documents, invoices, original bank statements and other supporting documents.

(g) Refer to Article 12

Section 5: Recording Secretary

(a) The Recording Secretary shall keep the minutes of all meetings and proceedings of the Union and the Executive Board.

(b) The Recording Secretary shall keep copies of all agreements so that they will be available for inspection by any member or employee whose rights are directly affected.

(c) The Recording Secretary keep record of all contract expiry dates. They/them shall notify the President of the expiry dates of all contracts as they occur.

(d) The Recording Secretary shall file a copy of all collective bargaining agreements entered into by this Union with the President of the National Union, COPE Ontario and as required by law.

(e) Notices of regular membership meetings and distribution of it shall be the responsibility of the Recording Secretary.

(f) The Recording Secretary will provide the National President, the National Secretary-Treasurer and the local executive with the names and contact information of all the Local Union officers as well as any changes to the information.

Section 6: Sergeant-at-Arms

The Sergeant-at-Arms shall verify all persons entering the meeting hall to ascertain that each person who attends is a bona fide member of the Union. They shall keep an attendance record by having members sign in with their name and employer. They are responsible for bringing ballots when required and collecting member contact information. Maintain spreadsheet of attendance for delegate qualifications.

**ARTICLE 8**

**EXECUTIVE BOARD**

Section 1: The Executive Board shall consist of the President, Executive Vice-President, Unit Vice-Presidents, Treasurer, Recording Secretary, Sergeant-at-Arms, and the Unit Bargaining Chairperson of each Unit having ten (10) or more members in good standing. Young Worker and Equity seat as defined by the Ontario Labour Board. However, the Executive may recognize smaller groups having a common interest.

Section 2: Definitions of President, Executive Vice President, Treasurer, Recording Secretary and Sergeant at Arms as per Article 7

b) Unit Vice-Presidents shall be members’ ex-officio of the Unit Bargaining Committee in their unit and shall have such other powers and duties as are provided for in this Union’s Constitution and By-Laws.

1. Unit Vice-Presidents shall be elected from each unit of seventy-five (75) or more members.
2. Unit Vice President of Thunder Bay Regional Health Sciences Centre is entitled to two (2) paid days per month.
3. The number of members in each Unit shall determine the order of precedence following the Executive Vice-President in performing the duties of the President.

c) Unit Bargaining Chair shall have such other powers and duties as are provided for in this Union’s Constitution and By-Laws.

1) The Unit Bargaining Chair shall be elected from the membership at large.

2) Unit Bargaining Chair shall be elected from each unit of 10 (ten) or more members.

Section 3: Unless it is otherwise stipulated, decisions are made by majority vote. Each member of the Executive Board shall have one (1) vote. The President shall act as Chairperson and shall have a voice but

no vote, except in the event of a tie vote by the Executive Board, in which event he shall have one (1) vote.

Section 4: Fifty Percent (50%) of members of the Executive Board shall constitute a quorum, and such quorum shall have the power to transact all business of the Executive Board. Regular meetings of the Executive Board shall be held on the SECOND TUESDAY of each month at 6:00 p.m. Special meetings of the Executive Board may be called by the President, and must be called by they/them upon the request of a majority of the members of the Board. All members of the Board shall be given at least twenty- four (24) hours notification by the Recording Secretary of any special meeting of the Board.

Section 5: The Executive Board shall conduct the affairs of the Union in the intervals between regular membership meetings. It is empowered to authorize and perform all acts for the conduct of the Union’s business between such membership meetings subject to item 3, Operating Rules and Regulations.

Section 6: The Executive Board shall be empowered to make expenditures for Conference Calls such as the Canadian Office and Professional Employees Union Convention, Ontario Federation of Labour, Canadian Labour of Congress, COPE Ontario and educationals, or any item deemed to be time sensitive prior to the next General Membership Meeting or if there is no quorum at the preceding General Membership Meeting, exceeding Item 3, Operating Rules and Regulations if there is no quorum at the regular membership meeting at which the conference call/educational is to be dealt with if timely arrangements must be made prior to the next regular membership meeting.

Section 7: The Executive Board upon consultation with the Senior Business Representative may obtain initial legal counsel. Further legal consultation requires the approval of the membership.

Section 8: The Executive Board shall have the power to add to the Executive Board representatives from Units that are organized during their term of office, providing such groups shall elect by secret ballot said Executive Board Representative.

Section 9: In the event that a group fails to secure the election of a representative to the Executive Board, the Executive Board shall appoint a member of said group to serve for the ensuing term.

Section 10: The Executive Board shall authorize employment of such clerical assistants as it deems necessary for the proper conduct of the Union’s business and shall determine the compensation for such employees subject to the approval of the membership.

Section 11: Any officer or member of the Executive Board as enumerated in Section 1, of this article who fails to attend three (3) successive Executive Board meetings without being excused from such attendance by the Executive Board, shall be deemed to have forfeited their office, and the Executive Board pursuant to Article 21, may appoint a successor for the balance of the unexpired term provided, however, that if the office of the President is thus declared vacant the Executive Vice-President shall perform the duties of the President until such position is filled by an election as provided in Article 9.

**ARTICLE 9**

**ELECTIONS**

Section 1: It shall be the aim of the Union to elect to the Executive Board the most capable members of the various groups comprising the membership of the Union.

Section 2: The officers and members of the Executive Board and standing committees shall be elected by the membership and shall hold office for a term of two (2) years and be elected by the membership for the above term. (Election of the Unit Vice-Presidents as per Article 8, section 2 b.)

Section 3: The nominations and elections shall be held at a special membership meeting to be held in the month of at a special November meeting. Members who are unable to attend shall signify their intention to run in writing to the Election Committee prior to the meeting.

Section 4: Inauguration shall take place after elections.

Section 5: No member of this Union shall be permitted to vote unless he is in good standing in the Union.

Section 6: No person shall be elected or appointed to an office in or as an Executive Board member of the Union unless they/them has been an active member of this Union in continuous good standing for at least the preceding twelve (12) months except as provided in Article 8, Section 7.

Section 7: No member shall hold more than one of the offices specified in Article 7, Section 1 at one and the same time.

Section 8: The candidate(s) receiving the greatest number of votes cast for the respective offices shall be declared elected.

Section 9: No votes for any member who is not duly nominated and listed on the ballot may be counted by the Election Board. (No sticker or write-in candidates)

Section 10: No voting by proxy or mail ballot shall be allowed.

Section 11: All Officers and Executive Board members shall be inaugurated immediately following the election at the regular membership meeting of the Union. They shall assume the duties on the first day of the month (December) following the Elections. Before entering upon the duties of their respective offices, the newly elected officers shall subscribe to the following installation obligation:

“I,…………………, do hereby sincerely pledge my word and honour to perform the duties assigned to me in the Local Union Constitution and ByLaws, to the best of my ability and with complete good faith to support, advance and carry out all official policies of the Local Union and to promote a harassment and discrimination free environment. I will at all times devote my efforts to further the aims, objectives and best interest of the Canadian Office and Professional Employees Union. I will also surrender all books, papers, electronic data and other property of this Local Union in my possession to my successor in office".

**ARTICLE 10**

**ELECTION COMMITTEE**

Section 1: An Election Committee of up to five (5) members shall be elected or appointed at the regular membership meeting preceding the election. The Election Committee shall have the right to appoint any clerical help required.

Section 2: The Election Committee is charged with the duty of conducting the regular election of Officers and Executive Board members of the Union. It shall make such regulations and shall assure the members of a fair and honest election. Any candidate shall have the right to have an observer at the polls at the counting of the ballots.

Section 3: The Election Committee shall have the duty of enforcing the right to vote of the members and shall see that such right of franchise is not interfered with or hindered by anyone.

Section 4: The Election Committee shall examine the membership status of all members before permitting them to stand for office or vote, and shall compare the said status with lists to be supplied by the Secretary- Treasurer.

Section 5: After an election has been held and the report of the Election Committee has been rendered, all election records and ballots shall be held for safekeeping for one month by the Sergeant-in-Arms and subsequently be destroyed.

Section 6: (a) A recount may be ordered upon presentation to the Election Committee of a petition signed by ten (10) % of members of the Union in good standing. The petition must be presented to the Election Committee within fourteen (14) days after the election; this petition shall enumerate the reasons why such ten (10) % of the members believe a recount should be held, it shall proceed to appoint a Recount Committee of disinterested members of the Union to conduct the recount. If the Election Committee denies the petition it shall make a report of its ruling to the next regular membership meeting. It shall require a majority vote of those present to reverse the Election Committees' decision. Upon receipt of a recount petition the Chairperson shall call a special meeting of the Election Committee to consider such petition.

(b) The installation of all newly elected Officers, and Executive Board members shall not be finalized until a disposition has been made on the petition for a recount and/or an actual recount.

(c) If the membership meeting reverses the Election Committees' decision, the matter shall revert to the Election Committee and it will appoint a Recount Committee. No candidate elected or defeated shall be eligible for membership on the Recount Committee but any candidate shall be permitted to attend all meetings of the Recount Committee as an observer. The Recount Committee shall report its finding to the membership at the next regular or special meeting. If a report of the Recount Committee declares that their tabulation shows that a defeated candidate has actually been the recipient of the greatest number of votes cast for that office, the candidate actually receiving the greatest number of votes shall be declared elected.

**ARTICLE 11**

**FINANCES**

Section 1: (a) The regular dues of the membership of this Union shall be the amount per month approved by the membership and duly approved by the National Union.

(b) The monthly Union dues shall be 1.5% of the monthly wage with the minimum being $20.00 per month and increased per the National Constitution.

Section 2: Any member who is more than three (3) months in arrears in dues shall be classified as a “suspended” member, and not in good standing. Such suspended member must pay all dues up to and including the current month before he can regain their good standing in the Union.

Section 3: (a) All proposals for increases of dues must be presented to the Executive Board. If the Executive Board approved of such increases of dues, the motion shall be incorporated in its minutes, to be read at the next regular membership meeting. There can be no vote, or discussion on the subject of the dues increase at the meeting, but it shall be held over until the succeeding regular membership meeting. The meeting notice for the succeeding meeting shall contain a statement informing the members of the nature of the proposals and that a vote will be taken at that regular membership meeting. A majority vote, by secret ballot, shall be required to constitute acceptance of the proposed dues increase.

(b) All assessments are subject to the approval of the President of the National Union in advance of being levied.

**ARTICLE 12**

**USE OF FUNDS**

Section 1: The funds of this Local Union cannot be divided in any way among individual members and can be utilized only for valid Union purposes.

Section 2: The general fund shall be used for the payment of expenses incurred by this Union, and as depository for its monies.

Section 3: All disbursements shall be made by cheques drawn on the General Fund and shall be signed by two of the following the President, Executive Vice-President of the Union or the Treasurer. They may be also be made by electronic payment as long as it is secured and approved as if it were a cheque.

Section 4: The COPE local 96 credit card is to be used for the purchase of goods and services within established limits recommended by the Executive Board. Only the local President and Treasurer are able to disburse funds (charge) services or items to the credit card. All monthly credit card expenditures are to be reported by the Treasurer monthly at executive meetings. The Treasurer must also have a copy of the credit card statement available at each executive meeting so that any board member can further audit said statement if so needed.

Misuse of the card is considered a serious offense and if this occurs the accused member will be removed from the executive board pending an investigation.

Section 5: The per capita tax, initiation fees, reinstatement fees and other obligations owed by this Union to the National Union shall constitute a preferred claim and must be paid promptly by this Union each month prior to the payment of any other obligations of this Union.

**ARTICLE 13**

**EXAMINATION AND VERIFICATION OF BOOKS**

The Treasurer will submit the books annually to a Certified Accountant to be audited.

The minimum frequency of verification of the books by the trustees is reduced from three (3) months to six (6) months.

**ARTICLE 14**

**OFFENCES AND PENALTIES**

Section 1: Internal Discipline Procedures established by the National

Executive will be followed.

Section 2: Any member may be penalized for committing any one or more of the following offenses:

(a) Publicizing or giving information about Union affairs to persons not entitled to such information.

(b) Working for any employer against whom the Union has declared a strike or whom the Union has declared to be unfair unless permission has been granted by proper officers of the Union.

(c) Working for less than the rate of pay provided for by the contract with the Union.

(d) Failure to appear before the Executive Board when ordered to do so.

(e) Obtaining membership through fraudulent means, or by misrepresentation.

(f) Violation of the oath of membership, or office if an officer.

(g) Working in the interests of any organization or a dual Union opposed to the interests of this Union.

(h) Being present or entering a meeting of members of the Executive Board or general meeting while intoxicated, or disturbing the peace of any such meeting by creating or participating in disturbances, or of similar conduct in and about the headquarters of the Union.

(i) Tampering with ballots, illegal voting, committing fraud, violence, coercion or other conduct not included in the foregoing, which in any manner interferes with a members' right of franchise.

(j) Any acts of misconduct which are detrimental to the best interests of the Union, or of conduct unbecoming a member of the Union or of violation of any of the provisions of the Constitution and By-Laws of this Union or of the Constitution of the National Union.

(k) Causing or participating in a stoppage of work because of any alleged grievance or dispute without the authorization of the Union or its proper officers.

Section 3: Any member who has been found guilty of any of the above offences or for violation of the National Union Constitution may be disciplined.

**ARTICLE 15**

**DISCIPLINE PROCEDURE**

The Local Union may discipline their members for violation of the National Constitution or the Local Union Constitution and/or bylaws or for engaging in any activity or conduct which is deemed to be contrary or detrimental to the welfare or best interest of the Local Union. The Local Union shall follow the internal discipline procedure adopted by the National Executive.

**ARTICLE 16**

**APPLICANTS**

Section 1: All applicants shall appear in person and shall receive instructions relative to the Union Membership from the Executive Board.

Section 2: An individual is eligible to become an active member if they/them is employed by an employer covered by a collective agreement.

Section 3: An individual who is an employee or an officer of a Council or the National Union may be granted active membership in this union by this Executive Board.

Section 4: Compliance with the membership requirements, Article 5, section 1, shall be deemed as having achieved membership upon payment of union dues.

Section 5: An active member who is not actively working due to dismissal, layoff, illness, disability, or a leave of absence, and has recall rights, or has filed a grievance under the collective agreement, must continue to pay dues and maintain active membership for the period for which their recall rights are valid or their grievance is pending.

Section 6: No applicant shall be barred from membership in the Union as per the Ontario Human Right Code.

Section 7: All applicants shall take the following oath:

“I,……………, pledge my honor before these witnesses to faithfully comply with the constitution, laws, and all amendments thereto of the Canadian Office and Professional Employees Union, Local 96, and of the National Union.”

**ARTICLE 17**

**PROCEDURE AT MEETINGS**

Section 1: The President of the Union shall act as Chairperson at all regular or special meetings of the membership and Executive Board. Except as otherwise provided in this Constitution and By-Laws, the latest edition of *"Bourinot"* shall apply at all meetings of the Union.

Section 2: It is provided further that any member requesting the floor from the Chairperson shall make the request by stating their name and place of employment.

**ARTICLE 18**

**WITHDRAWAL AND MILITARY SERVICE CARDS AND WORK PERMITS**

Section 1: This Union will issue withdrawal cards only to active members who, at the time of request for same, are in good standing with all obligations to the National Union and this Union paid, including the current month. Such cards shall be issued as follows:

1. A withdrawal card shall be issued by this Union to any active member requesting same who is leaving the jurisdiction of the National Union.

b) Any person bearing a withdrawal card shall not be entitled to participate in the operation of this Union. A person bearing a withdrawal card and who has complied with the conditions of

this Union may submit such card and be admitted to membership in this Union without the payment of any initiation

or transfer fees.

Section 2: Members entering the armed services of Canada during emergency periods as determined by the National Executive of the National Union and who are in good standing with all obligations to the National Union and the Local Union paid, including the month in which they entered the armed services, shall be issued military service cards which shall continue their membership without the payment of dues or other fees for the period of the service required by such emergency periods and for an additional ninety (90) day period or until they again resume work within the jurisdiction of this Union., whichever occurs first, except that such persons shall only accrue rights to benefits to the extent determined by this Union.

Section 3: Withdrawal and military service cards shall be issued by the Treasurer of this Union and monthly reports of all such cards issued, deposited or canceled shall be made to the Treasurer of the National Union.

Section 4: This Union may issue work permits to person employed for a period not exceeding ninety (90) days for work within the jurisdiction of this Union in establishments where this Union has union agreements, which work permit shall allow such person to work without the payment of initiation fees and dues; provided, however, that any such person may apply at any time during such period for membership in this Union. In the event a person works beyond ninety (90) days, then any extension beyond this period will be subject to approval by the National President. Such permits if used by this Union shall be issued monthly and the charge shall be the same as this Union's regular monthly dues. (To be determined by this Executive Board.) Work permits shall be issued by the Treasurer and monthly reports of all work permits issued shall be made to the Treasurer of the National Union.

**ARTICLE 19**

**WITHDRAWAL CARD RECIPROCITY**

Section 1: Any former member of a union affiliated with the Canadian Labour Congress not under the jurisdiction of the National Union who accepts employment under the jurisdiction of the National Union shall, upon application for membership and irrevocable surrender of an honourable withdrawal card, or evidence of honourable termination of membership in those instances where unions do not issue withdrawal cards and upon payment of the current month's dues, if accepted for membership in this Union be inducted into this Union, without the payment of any initiation fees. Such evidence of honourable termination shall be surrendered to the Treasurer, who shall forward same to the Treasurer of the National Union in lieu of initiation fees on behalf of such applicant. This section shall apply only in the case of unions affiliated with the Canadian Labour Congress, which participate in a reciprocal plan of accepting withdrawal cards from Locals of the National Union in lieu of an initiation fee.

Section 2: Any member of this Union affiliated with the National Union who secures employment under the jurisdiction of any other Union affiliated with the Canadian Labour Congress not under the jurisdiction of the National Union and who is thereby required to become a member of such other union, may retain membership in this Union of the National Union.

**ARTICLE 20**

**STRIKES**

Section 1: No Unit shall call a strike against an employer unless the members of the Unit employed by such employer, by a majority vote of those present at a meeting called for this purpose so request by secret ballot; provided, further, that at a meeting of the Unit – of which all members have been notified and called for the purpose of discussing the proposed strike – a majority of those present shall have voted by secret ballot at a meeting duly called for such purpose, confer blanket or other authority upon its Unit Vice-President and/or Unit Bargaining Chair to call any or all strikes. The Local Union Executive Board must be notified of all proceedings and the date on which the strike is to take place.

Section 2: Strikes against any employer may be terminated if a majority of those members of this Union employed by such employer so vote by secret ballot present at a special meeting.

Section 3: Eligibility and application for benefits of the COPE National Strike and Lockout Benefit and Defense Fund will be in accordance to the COPE National Strike and Lockout Benefit and Defense Fund Regulations.

**ARTICLE 21**

**VACANCIES IN OFFICE**

Section 1: Any vacancy of an officer will be filled by an election. In the event there are no nominees of contestant, the Executive Board by a majority decision shall be empowered to fill the balance of the unexpired term.

Section 2: Vacancy shall be defined as resignation, suspension, expulsion, death, retirement from active employment from a position covered by any of the bargaining units or removal from office.

**ARTICLE 22**

**COMMITTEES**

Section 1: The following shall be standing committees:

(a) Bargaining Unit Committees (one for each employer)

(b) Bursary/Scholarship

(c) Constitution and By-Laws

(d) Entertainment

(e) Health and Welfare

(f) Web/Communications

The Union may institute such other committees, from time to time, and on an adhoc basis, as it deems necessary.

Section 2: (a) With the exception of Section 1(a), the standing committees shall be elected from the Union membership at large by a plurality of votes.

(b) A Bargaining Unit Committee from each Unit shall be elected by and from that Unit’s members by a plurality of votes. The Chairperson of the Bargaining Unit Committee shall be elected by its own unit members from within the newly elected Bargaining Unit Committee.

Section 3: (a) Each committee shall elect a chairperson from the members of that committee and the chairperson shall act as that

committee’s spokesperson. The members of each committee may add to

their committee such other persons, from the Union membership at large, as are deemed necessary.

(b) In establishing other committees, the duties of the committee, the extent of its authority and the permissible amount of expenditures that may be made by such a committee must be made part of the minutes.

(c) All standing committees shall not be permitted to exercise functions belonging to other committees or boards. All committees shall present their recommendations, including expenditures to the Executive Board who in turn will present the report to the membership for their approval or rejection.

Section 4: Committee Functions

(a) Bargaining/Negotiating Unit Committee: It shall be the duty and responsibility of the Bargaining/Negotiating Unit Committee to negotiate a Collective Agreement, or Amendments thereto, with their respective employers, on behalf of the Unit from which they were elected. It shall be the further duty and responsibility of the Bargaining/Negotiating Unit Committees to police the Agreement throughout its duration and ensure that the membership of their Unit receive advice and counsel with regard to the Agreement and receive all the benefits to which they are entitled by membership in the Union.

(b) Bursary/Scholarship Committee: The committee shall consist of at least three members to be elected at large, preferable from three different units. As per guidelines set out by COPE Local 96 the committee shall distribute application forms for the Jack Elwert Award and then make their decision regarding the recipients of this award. Their decision will be final and binding.

(c) Constitution and By-Laws: The committee shall consist of 8 (eight) members. 4 (four) executive board members and 4 (four) members elected at large. preferably one (1) member from each unit. Meetings shall be called to revise, add to and update the present By-Laws as may be deemed necessary.

 (d) Entertainment: The committee shall plan and look after all social functions.

 (e) Health and Welfare: The committee shall consist of one member from each unit. As per the guidelines the committee member will ensure either a card and gift card are sent out or the Treasurer/President contacted for a monetary donation.

 (f) Web/Communications: The committee will meet to update, review, and suggest ideas to promote the union using media and our website. The committee may conduct surveys or other methods of communication with members as directed by the Executive of the Union. Press releases shall only be issued through COPE Ontario.

**ARTICLE 23**

**AFFILIATIONS AND DELEGATES**

Section 1: This Union shall hold membership in COPE Ontario of the

Canadian Office and Professional Employees Union.

Section 2: This Union may be affiliated with central labour organizations, councils, departments of federations chartered by or affiliated with the Canadian Labour of Congress, Ontario Federation of Labour and/or the Canadian Office and Professional Employees National Union.

Section 3: If funds permit the Local Union should send the President and delegates to conventions of the aforesaid labour organizations, councils, departments of federations.

Section 4: Each delegate to a convention of the aforesaid labour organizations, councils, departments of federations must have been in continuous good standing in the Local Union for at least twelve (12) months prior to the convention call. Each delegate shall be elected by the membership and must have attended at least fifty percent (50%) of the designated regular membership meeting dates for that twelve (12) months prior to the election date.

Section 5: Delegates shall attend the meetings or sessions of the body or assembly to which they have been delegated, faithfully represent this Union and protect its interest, and properly present the support its declared policies and instructions. Each delegate shall be prepared to be called upon to give a verbal report to this Union of the day by day proceedings of the organization to which they were delegates and perform such other duties as pertaining to their office.

Section 6: The requirements of Article 23, Section 4 and 5 shall also apply to conferences.

**ARTICLE 24**

**NATIONAL CONSTITUTION**

The Constitution of the National Union shall be the paramount law applying to the government of this Union, and all provisions of said National Union Constitution insofar as the same are or may be applicable to the affairs and activities of this Union are hereby, by reference thereto, incorporated into and made a part of this Constitution and By-Laws and any provision contained herein which is contrary to or in conflict with the provisions of the National Union constitution shall be inoperative and of no effect except as the National Union President may otherwise specifically approve.

**ARTICLE 25**

**AMENDMENTS**

Section 1: A proposed amendment to this Constitution may be introduced by the Executive Board or by a petition containing the proposed amendment which has been signed by at least 10% of the members in good standing.

Section 2: The Executive Board shall include the proposed amendment in its minutes to be read at the next regular membership meeting. There can be no vote or discussion on the subject of the amendment at that meeting, but it shall be held over until the succeeding regular membership meeting.

Section 3: The meeting notice for the succeeding meeting shall contain a statement informing the members of the nature of the proposed amendment and that a vote will be taken at said meeting. A vote of two- thirds (2/3) of the members voting shall be required to constitute acceptance of the proposed amendment to this Constitution and By- Laws except as provided in Article 11, Section 3 (a) herein.

Section 4: Any amendment to the National constitution affecting this Local union shall automatically be included in the Constitutions and bylaws of this Local Union unless the National President approve otherwise.

**ARTICLE 26**

**UNIT STRUCTURE**

Section 1: A Unit Group shall consist of those members that by their place of employment and/or proximity of employment can be considered as having a community of interests.

Section 2: A special meeting of the Unit may be called by the Executive Board if it deems such action necessary or a special meeting of the Unit may be called upon request submitted to the Unit Vice-President /Unit Bargaining Chair or designate by not less than ten percent (10%) of the members in good standing, but said meeting shall not take place on the day of adjournment of any regular membership meeting.

Section 3: The Unit Vice-President/Unit Bargaining Chair or designate shall have notices posted of any special meeting stating the purpose for such meeting at least forty-eight (48) hours before it convenes.

Section 4: The Unit Vice-President/Unit Bargaining Chair or designate will act as chairperson at the meeting of the Unit and will preserve order during the deliberation of such meeting. They/them will appoint all committees not otherwise elected.

Section 5: For purposes of special meetings or Unit meetings each Unit shall appoint or elect a Recording Secretary. The Recording Secretary shall keep the minutes of all meetings and proceedings and make available the minutes to their members in good standing and be responsible for the posting of notices for Unit meetings. A copy of the minutes and attendance records for Unit meetings will be on file with the Unit VP or Unit Bargaining Chair.

**PROCEDURE FOR INITIATION OF MEMBERS**

It is desirable that candidates for membership shall have received instruction prior to their presentation for initiation. Such instruction may be given immediately preceding a regular membership meeting or in a special class for that purpose; and may include a brief resume of Labour history with special emphasis on the development of our National

Union, functioning of the Local Union – including meeting procedure, an explanation of present Union agreements – outlining the various

benefits obtained for our membership through these agreements together with obligations devolving on the membership, and our relationship with other trade union organizations and general trade union policies.

The President will request the Sergeant-at-Arms, to prepare the candidates for initiation. The Sergeant-at-Arms will then escort the candidates to a position before the president.

And then the President shall say:

“You will now raise your right hand (shoulder high) and repeat after me, using your name where I use mine: I,………, pledge my honor before these witnesses to faithfully comply with the constitution, laws and all amendments thereto of the Canadian Office and Professional Employees Union, Local 96, and of the

National Union.”

“You are now members of the Canadian Office and Professional Employees Union, Local 96, and I give you my right hand in full acknowledgement thereof. As members of the Union you are entitled to participate fully in all of its proceedings.”

The President then may make extemporaneous remarks, introducing such other officers as may be desired who may also make brief remarks. At the conclusion of these remarks the Sergeant-at-Arms should then introduce the new members or invite them to introduce themselves to the membership. The Sergeant-at-Arms shall then see that they are properly seated. If it is customary to greet new members by a round of applause, it is suggested that this be done while they are being seated.

**INSTALLATION OF LOCAL UNION OFFICERS**

The newly elected officers shall present themselves before the installing officer who will administer the following obligation:

"I, , do hereby sincerely pledge my word and honour to perform the duties assigned to me in this Union Constitution and By-laws, to the best of my ability and with complete good faith to support, advance and carry out all official policies of the National Union and to promote a harassment and discrimination-free environment. I will at all times devote my efforts to further the aims, objectives and best interest of the Canadian Office and Professional Employees Union. I will also surrender all books, papers and other property of the National Union in my possession to my successor in office."

You will now proceed to your respective stations and perform the duties devolving upon you.”

**OPERATING RULES, REGULATIONS AND STANDING MOTIONS**

Item 1: Expenses – Executive (Executive may not be reimbursed for more than one (1) Executive position.)

(a) The President shall be reimbursed $300.00 per month for incidental expenses incurred as well as $30.00 per month for cell phone.

(b) The Vice Presidents of each unit shall be reimbursed $250.00 per month for incidental expenses incurred.

(c) The Treasurer shall be reimbursed $300.00 per month for incidental expenses incurred.

(d) The Recording Secretary shall be reimbursed $250.00 per month for incidental expenses incurred.

(e) The Sergeant-at-Arms shall be reimbursed $20.00 per month for incidental expenses incurred.

 (f) The Unit Bargaining Chair shall be reimbursed $100.00 per month for incidental expenses incurred.

(g) Executive Board members shall be reimbursed $10.00 per

Executive Board Meeting for incidental expenses.

Item 2: Expenses allocated for delegates, committee members or the

Executive Board shall be as follows:

a) Members shall be paid an amount for lost time equal to their regular earning capacity.

b) Committee expenses shall be $10.00 for attending meetings.

Expenses sheets shall be approved and presented by the Committee Chairperson to the President and Treasurer for approval and payment.

c) Delegates to Union conferences/educational sessions in the City of Thunder Bay will be allowed $25.00 per day expenses upon prior approval of the Executive Board.

d) Unit Bargaining Committee expenses shall be up to $25.00 per day per committee member.

e) Members will be given funds for the most economical means of ground transportation for the Thunder Bay Region (within 500

km).

f) Compensation for out-of-town conventions/conferences/meetings will be $125.00 per day, U.S. dollars applicable. Part days shall be prorated by half-day increments.

g) When out of town, the cost of parking and all ground

transportation (ie. cab fares, limo and/or hotel shuttles) to and from the airport, hotel and/or meeting locations shall be covered on presentation of receipts/vouchers.

h) Members will be given funds for the most timely and economical means of air transportation for out of town.

i) Donations are the obligation of the member giving same.

j) The member representing COPE Local 96, in the position of Vice President on the COPE Ontario Executive Board will be paid the difference in the per diem that COPE Ontario pays

Item 3: Disbursements

The Executive Board shall have the authority to make disbursements of the Local Union funds, but not to exceed $2500.00 in any single disbursement or transaction.

They shall have the authority to direct payment by cheque or credit card of all ordinary bills and expenses.

There will be a Christmas Social on the second Tuesday of December of each year, if possible, at a time and location determined by the Entertainment Committee.

The retirees are welcome to attend and will be given two beverage tickets each.

There will be a draw for fifty (50) $25.00 gift certificates, done as a draw for attendees of all General Membership meetings (including the Christmas Social) and will be coordinated by the Sergeant-at-Arms.

Retirees who are full time members will be given a cheque in the amount of $150.00 upon retirement from their units.

Retirees who are part time members will be given a cheque in the amount of $75.00 upon retirement from their units.