



CONSTITUTION

May 2012

Canadian Union of Public Employees
Ontario Division

I N D E X

| | | <u>Page</u> |
|-------------------------------------|---|-------------|
| PREAMBLE | | 2 |
| ARTICLE 1 | Name and Authority | 2 |
| ARTICLE 2 | Objectives | 2 |
| ARTICLE 3 | Membership | 3 |
| ARTICLE 4 | Conventions | 3 |
| ARTICLE 5 | Composition of Executive Board and Trustees | 8 |
| ARTICLE 6 | Election of Executive Board and Trustees | 8 |
| ARTICLE 7 | Duties of Executive Officers, Executive Board Members and Trustees | 10 |
| ARTICLE 8 | Executive Board, Trustees and Standing Committees | 15 |
| ARTICLE 9 | Finance | 19 |
| ARTICLE 10 | News Bulletin | 22 |
| ARTICLE 11 | Amendments to the Constitution | 22 |
| APPENDIX "A" | Rules and Order of Business | 23 |
| CUPE ONTARIO EXECUTIVE BOARD | | 25 |

Canadian Union of Public Employees
ONTARIO DIVISION

CONSTITUTION

PREAMBLE

This Constitution is designed to give proper balance to the administration of the Division. Duties should be shared by many, rather than the few. While various committees have been designated as "Standing Committees", this in no way precludes the possibility of further committees being established from time to time, as may be required and necessary. In order to improve and maintain the social and economic welfare of its members, and to give clear evidence of its recognition of the unity of Organized Labour, this Division has been formed, and does now establish this Constitution for its government.

ARTICLE 1 • NAME AND AUTHORITY

- (a) This organization shall be known as "Canadian Union of Public Employees, Ontario Division" or "CUPE Ontario" and shall hereinafter be referred to as "the Division".
- (b) This Division shall be subject to the Constitution of the Canadian Union of Public Employees.

ARTICLE 2 • OBJECTIVES

- (a) The objectives of the Division shall be:
 - 1. To advance the efficiency of public employees generally and the Labour Movement as a whole.
 - 2. To support the objectives of the Canadian Union of Public Employees, as set out in Article II of the Canadian Union of Public Employees' Constitution.
 - 3. To promote suitable legislative measures within the Province to further the interests, aims and objectives of its member local unions as from time to time prevail.

4. To promote the maximum participation of locals in this Division, the Canadian Union of Public Employees, the Canadian Labour Congress, Provincial Federations, District Public Employee Councils, Labour Councils and Sectors.
 5. To assist in the organization of unorganized workers generally, and public employees in particular, in this Province.
 6. To promote such educational, legislative, social and other activities as may assist the affiliated locals.
 7. To obtain maximum participation by locals in programs in the Canadian Union of Public Employees.
 8. To obtain the maximum participation of public employee retirees in legislative, social and other activities that may affect their welfare in retirement.
- (b) The policy of this body is to conduct its business in a peaceful and lawful manner.
- (c) This Division further stands unequivocally for equality of treatment regardless of race, colour, nationality, sexual orientation, place of origin, sex, ancestry, ability, creed, religion, class, age or political affiliation, and will oppose discrimination of same wherever it occurs or appears.

ARTICLE 3 • MEMBERSHIP

The membership of the Division shall be open to any local union, provincial union, district council or council of unions chartered by, and in good standing with, the Canadian Union of Public Employees.

A local union, once affiliated, ceasing membership in the Division, must pay all per capita tax arrears for the time outside the membership of the Division, but not to exceed one year's per capita tax, to be fully reinstated as affiliated members. The foregoing shall be subject to formal appeal to the Division Executive Board by any delinquent local for relief from the provisions of this section. Such decision is to be submitted to the next Convention for approval or amendment.

ARTICLE 4 • CONVENTIONS

(a) **Date and Location**

The Division shall meet annually, the date and time of the next Convention shall be fixed by the Executive Board having regard for time and place of other Conventions held by organizations to which this Division and its members are

affiliated. Division Conventions may be planned up to five years in advance, taking into consideration such invitations as are forthcoming from affiliates.

(b) **Convention Call**

The Convention Call shall be in the hands of the affiliates at least one hundred and twenty (120) days prior to the date of the Convention and the Convention Call shall set out the last date for Resolutions to be considered at the Convention.

(c) **Special Convention Call**

A special Convention called for the purpose of considering an emergent matter referred by the Executive Board shall be in the hands of the affiliates at least forty-five (45) days prior to the date of the Convention and shall only discuss the matters presented by the Executive Board.

(d) **Representation**

At all Conventions of this Division, the basis of representation from affiliated organizations shall be:

1. From local unions paying per capita tax on –

| No. of Members | No. of Delegates |
|-----------------------|-------------------------|
| 1 to 100 | Two |
| 101 to 200 | Three |
| 201 to 300 | Four |
| 301 to 400 | Five |
| 401 to 500 | Six |
| 501 to 600 | Seven |
| 601 to 700 | Eight |
| 701 to 850 | Nine |
| 851 to 1000 | Ten |

and one additional delegate for each additional 500 membership or major portion thereof.

2. a) From district councils the basis for representation shall be two delegates per affiliated council. For councils of unions, the basis for representation shall be one delegate per affiliated council of unions. Representatives from district councils or councils of unions must hold membership in an affiliated local union.

b) To be entitled to representation in Convention, a local union shall have paid per capita tax on its total membership up to and including March 31st of each year in which the Convention is held. Such payment must be received by April 30th. Locals must pay before being seated. Any local which has not paid up its per capita will be subject to the Convention late fee for all delegates being seated.

c) The membership upon which the per capita payment for the last quarter of the calendar year preceding Convention is made shall be used for the purpose of determining delegate representation at Convention.

d) A district council or council of unions shall have paid its annual affiliation fee by April 30th. A district council or council of unions must pay before being seated. Any district council or council of unions which has not paid its annual affiliation fee will be subject to the Convention late fee for all delegates being seated.

e) Local unions having less than one hundred (100) full-time members or equivalent (as determined in accordance with the formula set out in Article 9(a) for the payment of per capita tax on part time members) may make application to the Executive Board for transportation and registration fee subsidization to assist in their sending of a delegate to the Division Convention, and the Executive Board is empowered to act thereon.

(e) **Alternate Delegates**

1. An affiliated local union, district council or council of unions may elect alternate delegates to attend annual Conventions. An alternate delegate shall be entitled to attend sessions of the Convention, shall be entitled to voice but no vote, except in the absence of a duly elected delegate. For the purpose of this section, the duly elected alternate delegate must be in possession of a delegate's badge prior to being afforded vote. It shall be the responsibility of the presiding officer to ensure that the intent of this section is carried out.

2. At all Conventions of this Division, the basis of alternate delegate representation from affiliated organizations shall be:

From local unions paying per capita tax on -

| No. of Members | No. of Alternates |
|-----------------------|--------------------------|
| 75 members or less | One |
| 76 to 500 | Two |
| 501 to 1000 | Three |
| 1001 and up | Four |

From district councils, or councils of unions, the basis for representation shall be one alternate per affiliated council. Representation from district councils or councils of unions must hold membership in an affiliated local union.

- (f) **Registration Fees**
Delegates, alternate delegates and guests (other than official guests) to the annual Convention shall pay a registration fee, the amount of which shall be determined by the Executive Board.
- (g) **Quorum**
A quorum shall be one-half of the voting delegates properly credentialed and seated at any regular Convention of the Division.
- (h) **Resolutions and Amendments**
All resolutions to be considered at a Convention must be submitted by a local union or district council, or by the Executive Board of the Division, or committee thereof, so that they are in the office of the Secretary-Treasurer no later than seventy five (75) days prior to the Convention, and must not exceed 200 words in total. All resolutions must be submitted under the letterhead of the affiliate submitting same, and signed by the presiding officer and secretary of such affiliate. The Division shall then forward the resolutions not later than thirty-five (35) days in advance of the date of the commencement of the Convention to all local unions.
- (i) Resolutions dealing with matters that have arisen less than seventy-five (75) days prior to the Convention can only be dealt with on majority consent of the delegates in Convention and after two (2) hours of providing the resolution to delegates. Constitutional amendments submitted later than seventy-five (75) days prior to the Convention can only be dealt with by Convention on majority consent of the delegates in Convention providing that the constitutional amendment has been forwarded to all affiliated organizations at least thirty (30) days prior to Convention.
- (j) **Convention Committees**
There shall be four Convention committees, namely, Credentials, Resolutions, Ways and Means, and Constitution and Law. All chairpersons and members of committees shall be appointed by the Executive Board from the registered delegates. All committees shall be notified as early as possible prior to the opening of the Convention, and if it is necessary during the Convention that revisions be made to said committees, or that additional committees are required, the President shall appoint same, subject to the approval of the delegates. The President, if it is found necessary, shall be empowered to convene such committees prior to the opening of the Convention and their term of appointment shall expire at the adjournment of the Convention.
- The local Convention committee shall be formed, and the chairperson thereof may be requested to assist the Executive Committee in the selection of Convention accommodations, the selection and obtaining of speakers, and may further be requested to select a chairperson of the opening sessions of Division Conventions. The local committee will be requested to assist in the operation of those other appropriate functions of the Convention.

(k) **Order of Business**

1. Credentials Committee Report (interim)
2. President's Report
3. Secretary-Treasurer's Report
4. Trustees' Report
5. Officers' Reports
6. Report of Standing Committees
7. Reports of Convention Committees
8. Nominations and Elections
9. Good and Welfare suggestions
10. Final Report of Credentials Committee
11. Adjournment

(l) **Rules of Order**

Rules of order shall be in accordance with Appendix "A" attached hereto, and forming part of this Constitution. Bourinot's Rules of Order shall prevail on matters not covered by the Rules of Order.

(m) **Executive Board Reports to Convention**

Executive Board members and chairpersons of standing committees shall submit written reports of all their actions during their term of office at least forty-five (45) days prior, where possible, to the convention. The reports shall contain full information on the disposition of resolutions from the previous Convention referred to such officers or chairpersons. These reports shall form part of the general Convention report.

(n) **Convention Report**

A summarized report of the Convention shall be prepared by the Secretary-Treasurer, under the supervision of the President, and forwarded to all affiliated locals and accredited delegates and, where possible, such report shall be forthcoming within four (4) months from the close of the Convention.

(o) **Incumbent Executive Board Members to Convention**

1. An incumbent Executive Board Member or Trustee who is not an accredited delegate at the time of Convention in the even-numbered years shall be entitled to attend Convention at the expense of the Division, with voice but no vote. They shall not be eligible for re-election.

2. An incumbent Executive Board Member or Trustee who is not an accredited delegate at the time of Convention shall be entitled to attend the Convention at the expense of the Division with voice and vote, in the odd-numbered years of the Convention when no election of Executive Board Members is held.

3. Notwithstanding paragraphs 1 and 2, no incumbent Executive Board Member or Trustee shall be entitled to attend Convention unless the local union, of which they are a member, is entitled to representation at Convention.

(p) **Staff Voice at Convention**

The Staff Representatives and National Executive Board Members of the Canadian Union of Public Employees shall be permitted voice on any debate which is not of a nature that would intrude on the autonomy of the Division where its administration is concerned.

(q) **Reports of Sectors and Provincial Retirees Groups**

All Sectors and Provincial Retirees Groups shall submit their reports to the Division, at least forty-five (45) days prior, where possible, to the convention.

(r) **Unresolved Resolutions**

All resolutions, excluding constitutional amendments, not resolved by Convention will be referred to the Executive Board for decision upon adjournment of Convention.

ARTICLE 5 • COMPOSITION OF EXECUTIVE BOARD AND TRUSTEES

- (a) The Executive Board shall consist of a President, Secretary-Treasurer, First Vice-President, Second Vice-President, Third Vice-President, Fourth Vice-President, one (1) Diversity Vice-President Aboriginal Workers chosen by the Aboriginal Workers Caucus at Convention and one (1) Diversity Vice-President Racialized Workers chosen by the Racialized Workers Caucus at Convention, one (1) Diversity Vice-President LGBTQ Workers chosen by the Pink Triangle Caucus at Convention, six (6) Executive Members, and one (1) representative from each of the five (5) Sectors established pursuant to Article 4 of the National Constitution, and one from the Provincial Retirees Group with voice only. At least one (1) member of the Executive Board other than the Sectors, Racialized, Aboriginal, or Retirees representatives shall be from Northern Ontario as defined in Article 7.2 of the National Constitution.
- (b) The Executive Officers shall be President and Secretary-Treasurer.
- (c) The Executive Committee shall consist of the two (2) Executive Officers, the four (4) Vice-Presidents, the Diversity Vice-President Aboriginal Workers, the Diversity Vice-President Racialized Workers, and the Diversity Vice-President LGBTQ Workers elected to the Board.
- (d) There shall be three Trustees.

ARTICLE 6 • ELECTION OF EXECUTIVE BOARD AND TRUSTEES

- (a) Election of Executive Board, except for the Diversity Vice President Racialized Workers, the Diversity Vice-President Aboriginal Workers, the Diversity Vice-President LGBTQ Workers, representatives of the Sectors and Provincial Retirees Group, shall be held biennially in the even-numbered years, on the morning of the day prior to the close of the Convention. The Diversity Vice-President Racialized Workers, the Diversity Vice-President Aboriginal Workers

and the Diversity Vice-President LGBTQ Workers on the Executive Board shall be elected in their respective caucuses, biennially in the even-numbered years at Convention.

- (b) Any member who has declared for election to any position, and makes it known in writing to the Secretary-Treasurer no later than 75 days prior to convention during the year of an election, shall be given the opportunity to provide up to a one hundred and fifty word statement as an election profile that shall be printed and distributed through regular mail and posted on-line. CUPE Ontario will not be responsible for translating individual candidates' election material.
- (c) No person, except the President and the Secretary-Treasurer, shall be eligible for election to any office or to the membership of any committee unless such person is a member in good standing of an affiliated local union, and 1) a delegate from said local union, 2) a delegate from affiliated district council to which their local is affiliated or, 3) a delegate from a council of unions to which their local is affiliated. Such person, if elected, shall retain office only so long as their local union remains an affiliate of the Division. The President and the Secretary-Treasurer shall be deemed to be delegates to Convention with all rights and privileges.
- (d) The President shall appoint an Election Committee Chairperson who shall appoint assistants to conduct the elections. They shall not be candidates for office.
- (e) The Election Committee Chairperson shall be responsible for the issuing and receiving of ballots to and from the delegates.
- (f) Elections shall be conducted by a secret ballot, one delegate-one vote. All single positions (President, Secretary-Treasurer) shall be elected by simple majority vote. All multiple positions (Executive Members and Trustees) shall be elected by a plurality vote, but no candidate shall be elected who receives less than 25 per cent of the total votes cast.
- (g) Nominees allowing their names to go forward for office shall, upon acceptance of nomination, come forward to the Convention platform, and clearly and audibly speak the following lines to the assembled delegates:

"In accepting my nomination, I swear that I am committed to following anti-racist, anti-oppression, working-class and social unionism principles and further I swear that, if elected, I will faithfully support the Constitution, principles and policies of the Ontario Division and of the Canadian Union of Public Employees."
- (h) Immediately following the close of voting, the Election Committee shall proceed to count the ballots, and upon completion of same, they shall notify the Chairperson, and their report shall be made immediately. The total number of ballots for each candidate shall be recorded and reported to the Convention.
- (i) The election of each office shall be completed before nomination may be

accepted for subsequent office.

- (j) 1. The duly elected Executive Board and Trustees shall be obligated immediately following the completion of elections and shall take office within twenty-eight (28) days following the date of the election.
2. Immediately at the close of the Convention, the Executive Board and the Executive Board elected shall meet to arrange for the formal transfer of responsibility.
3. As prescribed, within twenty-eight (28) days following the election, the incoming Executive Board and outgoing Executive Board shall meet and the formal transfer of responsibility and the establishment of committees shall take place.
- (k) Trustees shall serve for overlapping three-year terms with one to be elected each year at Convention.

(l) **Obligation of Executive Board and Trustees**

" I (give name) do most sincerely promise on my honour that I will truly and faithfully, to the best of my ability, perform the duties of my office for the ensuing term, as prescribed in the Constitution and Laws of this Division.

As an officer, I will follow anti-racism and anti-oppression principles and attend an Anti-Racism, Anti-Oppression Training with the entire Executive Board which will be organized within the first month or shortly thereafter. I will at all times, through both word and action, 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 in my possession, to my duly elected successor to office."

ARTICLE 7 • DUTIES OF EXECUTIVE OFFICERS, EXECUTIVE BOARD MEMBERS AND TRUSTEES

(a) **President**

1. The CUPE Ontario President shall function as the chief executive officer of the Division and the CUPE Ontario Secretary-Treasurer shall function as the chief administrative officer of the Division.
2. The office of the President shall be a full-time elected office, elected every two (2) years in the even year.
3. It shall be the responsibility of the elected President to have previously assured leave of absence from employment for the full term of office.
4. It shall be the duty of the President to preside at all Conventions of the

Division and all meetings of the Executive Board and preserve order. The President shall be an ex-officio member of all committees. The President shall sign all cheques, bank drafts and other official documents relevant to the operation of the Division.

5. The President shall have the authority to enforce and interpret the Constitution of the Division, and such interpretation shall be conclusive and in full force and effect, unless reversed or changed by the Executive Board or by the Convention.

6. The President shall, in order to carry out the day-to-day function of the Division, utilize the Division office located in Metropolitan Toronto.

7. The President shall:

a) Co-ordinate and promote the activities of the Committees of the Division and in particular, the legislative aims of the Division and be responsible for the presentation of briefs.

b) Represent the Division, including liaison capacity, wherever directed by the Executive Board.

c) Subject to the approval of the Executive Board, make available all books, papers and other Division effects for inspection.

8. The President, by virtue of the office, shall represent the Division as a fully accredited delegate at all Conventions of labour organizations to which the Division is affiliated and shall be appointed as the Division's representative to the Executive Board of the Ontario Federation of Labour.

9. The President shall be a fully accredited delegate to the Division Convention, with all rights and privileges.

10. a) The President shall receive a salary, daily expense allowance, vacation allowance and permanent parking allowance equal to that paid from time to time to a CUPE Regional Director. In addition, coverage in the following welfare plans, fully paid by the Division:

Long Term Disability ♦ Life Insurance ♦ Extended Health Care

b) Further, the Division will pay 50% of a Pension Plan contribution to provide for either the continuation of the President's Pension Plan, if possible, enjoyed when in the employ of their previous employer, or an equivalent plan.

11. The President shall receive the following allowances:

a) A motor vehicle provided through a lease arrangement equivalent to the CUPE National Motor Vehicle Lease Policy.

b) Credit cards for use in respect of Division business.

12. The President shall submit a monthly activity report to the members of the Executive Board and a monthly expense account together with all covering receipts to the Treasurer. Payment of these accounts will be made, subject to their review and possible adjustment, at the following Executive Board meeting.

(b) **Immediate Past President**

The Executive Board may appoint the Immediate Past President to the Executive Board, in the first year of the succession of a new President. The Immediate Past President shall at all times assist the Officers and Members by making available to them the benefits of experience in office and shall have full voice but no vote at meetings.

(c) **First Vice-President**

Shall, in the absence of the President, preside and perform all duties pertaining to the office of the President and render such assistance as may be required.

(d) **Second Vice-President**

Shall, in the absence of the First Vice-President, perform all duties pertaining to that office, and perform such duties as may be assigned, and in the case of a permanent vacancy in the office of the First Vice-President shall become the First Vice-President.

(e) **Third Vice-President**

Shall perform in the absence of the Second Vice-President, all duties pertaining to that office, and perform such duties as may be assigned, and in the case of a permanent vacancy in the office of the Second Vice-President, shall become the Second Vice-President.

(f) **Fourth Vice-President**

Shall perform in the absence of the Third Vice-President, all duties pertaining to that office, and perform such duties as may be assigned, and in the case of a permanent vacancy in the office of the Third Vice President, shall become the Third Vice-President.

(g) **Secretary-Treasurer**

The Secretary-Treasurer shall utilise the Division Office located in Toronto. The Office of the Secretary-Treasurer shall be an elected post and such office shall be filled at an election to be held every two years in the even year. It shall be the responsibility of the elected Secretary-Treasurer to have previously assured leave of absence from employment for the full term of office.

The Secretary-Treasurer shall:

1. a) Receive all monies payable to the Division and deposit such funds to such accounts as may be approved by the Executive Board.
- b) Receive all monies, being membership fees, government grants,

donations and interest payable to the Provincial Retirees Group, or their successors, and deposit such monies to a separate account on their behalf as may be approved by the Executive Board.

2. With the approval of the President, pay all bills, wages, expenses and such other payments as may be necessary, as authorized by the Convention and the Executive Board.
3. Make all authorized disbursements by means of a cheque countersigned by the President. All cheques shall be so designed as to provide an appropriate space that will allow for an explanation of said payment to be entered.
4. Prior to issuing any cheque for payment, receive an invoice stating what the payment is for and enter the cheque number and the date of payment on the invoice when making payment.
5. Be in charge of all books, documents, files and effects of the Division. Such books, documents, files and effects shall, at all times, be subject to inspection by the President and/or the Executive Board.
6. Prepare and submit a financial statement of the Division, together with a summary of all cheques issued, to each meeting of the Executive Board.
7. Turn over all books and records - relative to receipts and expenditures - to the Trustees in April and October of each year so that an audited statement can be presented to the Executive Board semi-annually and to Convention annually.
8. Close all accounts of the Division at the end of the quarter immediately preceding the annual Convention. All monies received or disbursed after that date shall not be reported in the general balance account to that Convention. Print the financial statement, as approved by the Trustees, as a separate document for submission to the Convention.
9. Issue receipts for all income received. A cancelled cheque, or other such negotiable instrument for the purpose of this clause shall be recognized as a receipt.
10. Send out quarterly financial statements to all local unions, showing the per capita tax stand of the local union to which such statement is sent and pointing out to such local union the constitutional requirements that affiliates must remain in good standing with the Division. Annual statements shall be forwarded to all district councils.
11. Be bonded in such amount as may be determined by the Executive Board.
12. Prepare and submit to the Executive Board a budget outlining the anticipated revenue and expenses of the Division for the coming fiscal year. The budget, after having been dealt with by the Executive Board, shall then be presented to the annual Convention.

13. Issue the call for and act as Secretary to the annual Convention and, in addition, shall act as Secretary to all committees. Shall cause the proceedings of all Conventions and sessions of the Executive Board to be recorded. A report of the annual Convention shall be forwarded to each delegate and to each local union within four (4) months from the ending of Convention, where possible.

14. Conduct all correspondence pertaining to the office and shall purchase all supplies necessary for the office. All supplies purchased shall be as approved by the Executive Committee.

15. Keep a record of the total membership of each local union and report to the Convention, showing the number of affiliated locals and total membership. Keep a record of the membership of the Provincial Retirees Group.

16. Be the Editor and Publisher of the Division "OURSPACE", in accordance with Article 10 of this Constitution.

17. Be responsible for the preparation of briefs.

18. Be empowered with the approval of the Executive Board, to employ such stenographic or other assistance as necessary.

19. Make a report on the administration of the office to the Convention.

20. Be a fully accredited delegate to the Division Convention, with all rights and privileges.

21. The Secretary-Treasurer shall receive a salary, vacation allowance and permanent parking allowance equal to that paid from time to time to a CUPE Assistant Regional Director.

In addition, coverage in the following welfare plans will be fully paid for by the Division.

Long Term Disability ♦ Life Insurance ♦ Extended Health Care

Further, the Division will pay fifty per cent (50%) of a Pension Plan contribution to provide for either the continuation of the Pension Plan enjoyed by the Secretary-Treasurer while in the employ of their previous employer, if possible, or an equivalent Pension Plan.

22. The Secretary-Treasurer shall receive expenses equivalent to those received by a CUPE Assistant Regional Director when required by the President or by the Executive Board to carry out duties that would normally be performed by the President.

23. The Secretary-Treasurer shall receive a daily expense allowance for committee meetings, conferences, seminars and Conventions equal to that received by a CUPE Assistant Director.

(h) **Executive Board Members**

The Executive Board Members shall fulfil all duties required or referred to them by the Convention, the Executive Board or President.

(i) **Duties of Trustees**

The Trustees shall perform duties as outlined in this Constitution, and shall prepare the annual audit statement to be presented to the annual Convention. The trustees shall make an audit as of March 31st of each year. They shall make an audit at all times when the Secretary-Treasurer is elected or appointed when a vacancy occurs in the office of Secretary-Treasurer for any reason.

ARTICLE 8 • EXECUTIVE BOARD, TRUSTEES AND STANDING COMMITTEES

(a) The Executive Board shall consist of a President, Secretary-Treasurer, First Vice-President, Second Vice-President, Third Vice-President, Fourth Vice-President, six (6) Executive Members, and one (1) representative from each of the five (5) Sectors established pursuant to Article 4 of the National Constitution, one (1) Diversity Vice-President Aboriginal Workers chosen by the Aboriginal Workers Caucus at Convention, one (1) Diversity Vice-President Racialized Workers chosen by the Racialized Workers Caucus at Convention, one (1) Diversity Vice-President LGBTQ Workers chosen by the Pink Triangle Caucus at Convention, and one (1) from the Provincial Retirees Group with voice only.

(b) The Executive Board shall conduct all business referred to it by Convention and shall, in the interval between Conventions, have full and complete charge of all business of the Division not otherwise provided for. The Executive Board shall meet quarterly. The locale shall be designated by the President. Fifty percent plus one (50% + 1) member shall constitute a quorum.

(c) The Executive Committee shall consist of the President, Secretary-Treasurer and four (4) Vice-Presidents, the Diversity Vice-President Aboriginal Workers, the Diversity Vice-President Racialized Workers and the Diversity Vice-President LGBTQ Workers elected to the Board. The Executive Committee shall meet prior to each meeting of the Executive Board. It shall organize and co-ordinate such political campaigns and activities to promote the principles and objectives of CUPE Ontario members.

It shall work closely with local unions, district councils and sectors to promote their involvement in political action and campaigns at the municipal, provincial and federal levels.

It shall be responsible for the presentation and submission of briefs to the

Provincial Government and other bodies; and shall be responsible for preparing and submitting resolutions to the National Convention.

It shall be responsible for international affairs and the promotion of International Solidarity.

- (d)
1. No person shall continue to hold office or membership on any committee if the person has voluntarily severed employment in the jurisdiction of a CUPE local union. Should a person temporarily leave the jurisdiction of any CUPE local union to accept employment outside the jurisdiction of any CUPE local union, such a person may remain in office or member of a committee for no longer than twelve (12) months.
 2. Where a permanent vacancy occurs in the office of President, the First Vice-President shall issue, within six (6) days of the date of the vacancy occurring, notice of a meeting of the Executive Board, to be held within sixteen (16) days of the date of the vacancy, in order to elect a President to serve until the next Convention. Only voting members of the Executive Board shall be eligible for election to the office of President and a simple majority of votes cast shall be required for election. If the vacancy occurs before an odd year Convention, an election for the office of President shall be held at the odd year Convention following the procedure in Article 6.
 3. Where a permanent vacancy occurs in the office of the Secretary-Treasurer, the President shall issue, within six (6) days of the date of the vacancy, notice of a meeting of the Executive Board, to be held within sixteen (16) days of the date of the vacancy, in order to elect a Secretary-Treasurer to serve until the next Convention. Only voting members of the Executive Board shall be eligible for election to the office of Secretary-Treasurer and a simple majority of votes cast shall be required for election. If the vacancy occurs before an odd year Convention, an election for the office of Secretary-Treasurer shall be held at the odd year Convention following the procedure in Article 6.
 4. Should a permanent vacancy occur in the office of the Fourth Vice-President, the office shall be offered to the six (6) Executive Members in the order of votes received in the preceding election.
 5. Should a permanent vacancy occur in the office of Executive Member, except as provided in Article 8(d)6, the office shall be offered to the unsuccessful candidates for this office in the order of votes received at the preceding election, provided that they received at least 25 per cent (25%) of the total votes cast. If the vacancy cannot be filled in this manner, it shall be filled by the Executive Board by appointment. If the vacancy occurs before an odd year Convention, the vacancy will be filled temporarily as set out above and an election for the position shall be held at the odd year Convention following the procedure in Article 6.
 6. Should a permanent vacancy occur in the office of Executive Board held by

the Representative from a Sector or a Provincial Retirees Group, such vacancy shall be filled in accordance with the Constitution or By-laws of the appropriate Sector or Provincial Retirees Group. If the vacancy occurs before an odd year Convention, the representative shall be chosen by the respective caucus at the odd year Convention.

7. Should a permanent vacancy in the office of the Executive Board for the Diversity Vice-President Racialized Workers, the Diversity Vice-President Aboriginal Workers or the Diversity Vice-President LGBTQ Workers, the alternate, as elected by the individual caucus during the caucus election for the Executive Board will assume the office. In the event that the alternate cannot take office or continue in this position, the office shall be offered to the candidate who receives 25% of the votes cast for the position of alternate in the respective caucus. If the vacancy cannot be filled in this manner, it shall be filled by appointment of the Executive Board in consultation with:

- a) the Racial Justice Committee for the Diversity Vice-President Racialized Workers;
- b) the Human Rights Committee, in consultation with the Aboriginal Council, for the Diversity Vice-President Aboriginal Workers;
- c) the Pink Triangle Committee for the Diversity Vice-President LGBTQ Workers.

8. Should a permanent vacancy occur among the Trustees, the office shall be offered to the unsuccessful candidates for this office in order of votes received at the preceding election. If the vacancy cannot be filled in this manner, it shall be filled by the Executive Board by appointment. If the vacancy occurs during the period between the election Convention and the odd year Convention, the vacancy will be filled temporarily as set out above and an election for the position shall be held at the odd year Convention following the procedure in Article 6. An election for the office of Trustee for the unexpired term shall be held at Convention following the procedure in Article 6.

- (e) 1. The Executive Board shall appoint the following Standing Committees and Chairpersons thereof:

| | |
|------------------------------------|---|
| Defence Fund Committee | One (1) member, President and Secretary-Treasurer |
| Education Committee | Three (3) members and Chairperson |
| Health & Safety Committee | One (1) Executive Board member, One (1) member appointed from each Sector |
| Human Rights Committee | Diversity Vice-President Racialized Workers, Diversity Vice-President Aboriginal Workers and Diversity Vice-President LGBTQ Workers to the Executive Board and one (1) member each from the Pink Triangle Committee, the Workers with Disabilities Committee, the Women's Committee, the Racial Justice Committee, the Aboriginal Council, the Young Workers Committee and the International Solidarity Committee |
| Injured Workers Advocacy Committee | One (1) Executive Board member, one (1) member appointed from each Sector |
| Sectors Funding Committee | Executive Officers and Representatives of the five (5) Sectors on the Executive Board, and the assigned Staff Co-ordinator for each group |
| Pension Committee | Two (2) members, the representative from the Provincial Retirees Group and Chairperson |

2. a) There shall be a Women's Committee elected at each Women's Conference in even numbered years. Five women shall be elected by the Women's Caucus. At least one of these women must be from the North. An additional member of the committee shall be elected by women from each of the following caucuses at the Conference: Aboriginal Workers, Workers with Disabilities, Pink Triangle, Racialized Workers, and Young Workers. The committee will then elect two co-chairs for the committee. The Women's Committee mandate shall be to promote equality for women in the workplace, the union and the community.

b) Should a permanent vacancy occur on the committee, the position shall be offered to the unsuccessful candidates for this office in order of votes received in the previous election, provided that they received at least 25% of the total votes cast. Those women elected by women in their respective equity caucus will be replaced only with woman from that caucus. If the vacancy cannot be filled in this manner, it shall be filled by appointment of the Executive Board in consultation with the Women's Committee. [effective January 1, 2008]

3. a) There shall be a Human Rights Committee consisting of the Diversity Vice-President Racialized Workers, the Diversity Vice-President Aboriginal Workers and the Diversity Vice-President LGBTQ Workers to the Executive Board and one (1) representative each from the Pink Triangle Committee, the Workers with Disabilities Committee, the Women's Committee, the Racial Justice Committee, the Aboriginal Council, the Young Workers Committee and the International Solidarity Committee.

b) The Human Rights Committee shall work to promote equal treatment and equal opportunity for members of CUPE and society at large.

4. The Education Committee shall arrange at least two weekend seminars per year - one to be held in the fall, and one held in the spring. The type and style of courses to be offered shall be in the best interest of Division affiliates. The Committee shall attempt, where possible, to hold its seminars in areas most readily accessible to the greatest majority of locals, taking into consideration at all times the needs and expenses of the smaller locals of this Division.

Local unions having less than one hundred (100) full-time members or equivalent (as determined in accordance with the formula set out in Article 9(a) for the payment of per capita tax on part time members) or having to travel a distance of five hundred (500) km or more may make application to the Executive Board for transportation and registration fee subsidization to assist in their sending a delegate to Division seminars. The Executive Board is empowered to act thereon.

The Registration Fee for the seminars shall not be less than ten dollars (\$10.00) per delegate. The Education Committee shall work in co-operation

with the National Education Department.

5. The Executive Board may appoint special committees as required. The Chairperson shall be a member of the Executive Board.

6. The mandate of the Pension Committee shall be to work for a fair and equitable pension for all CUPE members including retirees.

7. a) The Health & Safety Committee shall work to promote a healthy and safe work environment for all CUPE members in Ontario.

b) The Health & Safety Committee shall consist of one (1) person appointed from the Division Executive Board and one (1) member appointed from each Sector. Such representatives must be delegates from a local union affiliated to the Division.

8. The Injured Workers Advocacy Committee shall consist of one (1) person appointed from the Division Executive Board and one (1) member appointed from each Sector. Such representatives must be delegates from a local union affiliated to the Division.

(f) All Division Committees shall report to and be accountable to the Executive Board between Conventions.

(g) The Executive Board shall have the authority to suspend the President or Secretary-Treasurer, without pay, for proven just cause. It shall require a two-thirds (2/3) majority of the Executive Board votes cast at the meeting called for this purpose, to effect such a suspension. When such action has been taken, the Executive Board shall within sixty (60) days convene a special Convention of the Division to review the suspension.

If the decision of the Executive Board is upheld, the special Convention shall proceed to elect a new officer. The decision of the Executive Board shall be sustained or rejected by a simple majority vote of the Convention.

If the decision of the Executive Board is not upheld, the officer shall be reinstated without loss of pay or benefits.

ARTICLE 9 • FINANCE

(a) Revenue

The revenue of CUPE Ontario shall be derived as follows:

1. Effective July 1, 2009, all Local Unions shall pay a monthly per capita tax on behalf of all workers, including Rand Formula payees, of .04% of the Local

Union's average regular monthly wages not later than the last day of the following month.

2. Effective July 1, 2009, 2% of any per capita tax shall be allocated to the Defence Fund, to be administered by the Defence Fund Committee.

3. Effective April 1, 2012, 8% of per capita tax shall be allocated to the 5 Sectors for the purpose of funding their Coordinating Committee work. The funds shall be divided among the Sectors based on the total number of members in each sector as reported to CUPE Ontario in a fair and equitable fashion.

4. From District Councils, or Councils of Unions, an annual affiliation fee of twenty-five dollars (\$25.00) shall be paid.

5. Each Local Union involved in a strike or lockout may seek a pro-rated reduction of per capita tax from the Executive Board based on the number of days off work as a result of a strike or lockout.

6. Funding for the Provincial Retirees Group, or its successor, shall be solely from membership fees, government grants, and donations. Membership fees may be amended from time to time as required to ensure financial solvency at all times.

(b) **Convention**

Disbursement for the Division Convention shall be limited to the following:

1. Rent of Convention hall
2. Rent of function rooms
3. Cost of hospitality rooms (not to exceed one thousand dollars [\$1,000.00])
4. Cost of supplies (recording tapes, kits, etc.)
5. Banquet and dance
6. Accommodation for pressroom, etc
7. Travel subsidy
8. Transcribing expenses

(c) **Ontario Division Defence Fund**

1. The monies in the Defence Fund are to be used to assist in the defence of the Union, either by helping financially those local unions which are on strike, or those which are faced with major legal or other related expenses, or to finance special projects (authorized by the Executive Board of the Division) in defence of the Union.

2. The President, Secretary-Treasurer and one Executive Board member shall be appointed as a Committee to administer the Defence Fund.

3. Only appeals by a bona fide affiliated local to the Division, are to be considered by the Committee. All other appeals must be considered for sanction by the full Executive Board of the Division.

4. The Committee shall not make any grant to any one local, in any one month, in excess of one third (1/3) of the amount on deposit in the fund.
5. The Committee shall not consider any strike appeal unless it is a bona fide strike, sanctioned by the National Union.
6. The Committee shall not consider any application unless it is made on the local union's letterhead, and signed by the President and Secretary.
7. Any local who received monies from the Defence Fund, for any purpose, shall return the residue of all monies received for that purpose, along with an itemized statement to the Division, after all related bills are paid.
8. The Secretary-Treasurer shall credit the appropriate amount based on one cent (.01) per member per month, to the Defence Fund, on a monthly basis.
9. All appellants, feeling unjustly dealt with by the Committee, shall have the right to appeal to and appear, at their own expense, before the full Executive Board, which shall render a final and binding decision within two (2) weeks of such appeal.

(d) **Sectors Fund**

The Sectors Fund shall be administered by the Sectors Funding Committee, composed of the Executive Officers of the Division, the representatives of the five (5) Sectors on the Executive Board, and the assigned staff co-ordinator for each group.

Notwithstanding the generality of the foregoing, the Sectors Funding Committee may establish rules and procedures for the allocation and disbursement of funds and may make special assessment upon locals which participate within a Sector but which are not affiliated to the Division.

The Sectors Funding Committee shall report annually to each Division Convention.

(e) **Purchases**

All purchases by this Division, in excess of twenty-five dollars (\$25.00) shall be made only with the use of a numbered Purchase Order, duly signed by the President or the Secretary-Treasurer.

(f) **Relocation**

If the President or Secretary-Treasurer decided to relocate their residence to a location adjacent to the Division Office and providing that this is done within six (6) months of having assumed office, the basic cost of transporting their household effects (the lowest cost of three [3] estimates being acceptable) will be paid on one occasion only.

If the President or Secretary-Treasurer vacates their office for any reason, and if the President or Secretary-Treasurer decides to relocate their residence away from a location adjacent to the Division Office, the basic cost of transporting their household effects (the lowest cost of three [3] estimates being acceptable) will be paid on one occasion only. As stated in the paragraph above, the relocation must take place within six (6) months of having vacated office and be within Ontario.

ARTICLE 10 • NEWS BULLETIN

- (a) The Division shall endeavour to publish OURSPACE at least quarterly.
- (b) The Editor of OURSPACE shall be the Secretary-Treasurer who shall have the power of editorship, providing same is not in conflict or contrary to the Constitution of this Division or its policies.
- (c) The following declaration shall be printed in each issue:
"OURSPACE is published by the Canadian Union of Public Employees, Ontario Division. The opinions expressed herein are not necessarily those of the Canadian Union, the Division, or any of its membership. Address all correspondence to the Editor, 80 Commerce Valley Dr. E., Suite 1, Markham, Ontario L3T 0B2.

ARTICLE 11 • AMENDMENT TO THE CONSTITUTION

This Constitution, or any of its clauses, may be amended at any regular Convention by form of resolution or Executive Board recommendation, by a two-thirds (2/3) majority of the votes cast by those delegates present at such Convention.

APPENDIX "A" RULES AND ORDER OF BUSINESS

The rules and order of business governing Convention shall be:

1. The President, or when requested, a Vice-President shall take the chair at the time specified, at all regular and special Conventions. In the absence of both the President and any designated representative, a chairperson shall be chosen by the Executive Committee.
2. No question of religious character shall be discussed.
3. Delegates wishing to speak shall proceed to one of the microphones provided for that purpose. When recognized by the Chair, shall give their name and the organization they represent and shall confine all remarks to the question at

issue.

4. Speeches shall be limited to three (3) minutes except in moving a motion when the delegates shall be allowed ten minutes.
5. A delegate shall not speak more than once upon a subject until all who wish to speak have had an opportunity to do so.
6. A delegate shall not interrupt another except it be to call to a point of order.
7. Any delegate called to order shall, at the request of the Chair, be seated until the question of order has been decided.
8. Should any delegate persist in unparliamentary conduct, the Chair will be compelled to name them and submit their conduct to the judgement of the Convention. In such cases, the delegate whose conduct is in question should explain and then withdraw, and the Convention will determine what course to pursue in this matter.
9. When a question is put, the Chair after announcing the question shall ask: "Are you ready for the question?" If the vote is in the affirmative, the question shall be put.
10. Questions may be decided by a show of hands or a standing vote on the basis of one vote per delegate. A roll call vote may be demanded by two thirds (2/3) of the delegates present. In a roll call vote each delegate shall be entitled to one vote.
11. Two delegates may appeal the decision of the Chair. The Chair shall then put the question thus: "Shall the decision of the Chair be sustained?" The question shall not be debated except that the Chair may be given time to explain the decision.
12. The Chair shall have the same rights as other delegates to vote on any question. In case of a tie vote, the Chair shall cast the deciding vote.
13. When the previous question is moved, no discussion or amendment to either motion is permitted. If the majority vote that "the question be now put", the original motion has to be put without debate. If the motion to put the question is defeated, discussion will continue on the original motion.
14. Committees may combine resolutions or prepare a composite to cover the intent of the question at issue. Reports of the Committees are not subject to amendment, except if it is acceptable to the Committee, but a motion to refer back to the Committee for further discussion shall be in order.

15. A delegate shall not move a motion to refer back after having spoken on the question at issue.
16. A motion to refer back is not debatable and when properly seconded the question shall be immediately put to the Convention.
17. All referrals shall be the first item(s) to be dealt with in the Committee's report to the next following session of the Convention or at such other time as may be directed by a majority vote of the Convention.
18. If the report of a Committee is adopted, it becomes the decision of the Convention. If defeated, it may be referred back to the Committee.
19. When a question is pending before the Convention, no motion shall be in order except - to refer - to adjourn - for the previous question - to postpone for a definite time. If any of the foregoing motions is negated, it cannot be renewed until after an intermediate proceeding.
20. A motion may be reconsidered provided the mover of the motion to reconsider voted with the majority, and notice of motion is given consideration at the next sitting, and said notice of motion is supported by two-thirds (2/3) of the delegates qualified to vote.
21. The Executive Board is empowered to establish the hours of Convention.

cope 343

**CUPE ONTARIO EXECUTIVE
2012-2013**

EXECUTIVE COMMITTEE

| | |
|---|------------------------|
| PRESIDENT | Fred Hahn |
| SECRETARY-TREASURER | Candace Rennick |
| 1ST VICE-PRESIDENT | Michael Hurley |
| 2ND VICE-PRESIDENT | Yolanda McClean |
| 3RD VICE-PRESIDENT | Andrea Madden |
| 4TH VICE-PRESIDENT | Henri Giroux |
| DIVERSITY VICE-PRESIDENT ABORIGINAL WORKERS | Joanne Webb |
| DIVERSITY VICE-PRESIDENT RACIALIZED WORKERS | Veriline Howe |

EXECUTIVE BOARD

**Vern Andrus • Darrell Day • Helen Fetterly
Denise Hammond • Jenn Mizerovsky • Don Postar**

SECTOR REPRESENTATIVES

| | |
|---|---------------------------------|
| HCWCC | Susan Schmidt |
| OMECC | James Watson |
| OSBCC | Terri Preston |
| OUWCC | Janice Folk-Dawson |
| SSWCC | Carrie Lynn Poole-Cotnam |
| Municipal Retirees' Organization Ontario (MROO) | vacant |

TRUSTEES

| | | |
|--------------------|--------------------------|---------------------|
| 2010 – 2014 | 2011 – 2015 | 2012 - 2016 |
| Paul Clulow | Claude Duchesneau | Lisa Edwards |