

BYLAWS



**Canadian Union of Public Employees
Local Union 1949,
(Saskatchewan Legal Aid
Commission Employees)**

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INTRODUCTION

Local 1949 of the Canadian Union of Public Employees has been formed to:

- Improve the social and economic well-being of all of its members;
- Promote equality for all members and to oppose all types of harassment and discrimination;
- Promote the efficiency of public services; and
- Express its belief in the unity of organized labour.

The following Bylaws are adopted by Local 1949 in accordance with the CUPE National Constitution (Articles 12.3 and B.5.1), to protect the rights of all members, to provide for responsible governance of the Local Union, and to involve as many members of the Local Union as possible through the sharing of duties and responsibilities.

CUPE Local 1949 shall respect and apply the CUPE National Equality Statement to all of the chartered organizations' activities. The CUPE National Equality Statement can be found in Appendix 'A' to these Bylaws.

CUPE Local 1949 shall adopt a Local Union Code of Conduct that will apply to membership meetings and other functions organized by the chartered organization. The Local Union Code of Conduct can be found in Appendix 'B' to these Bylaws.

SECTION 1 – NAME

The name of this Local Union shall be Canadian Union of Public Employees, Local 1949.

(Saskatchewan Legal Aid **Commission Employees**).

SECTION 2 – OBJECTIVES

The objectives of Local 1949 are to:

- a) Secure the best possible pay, benefits, working conditions, job security, pensions and retiree benefits for its members;
- b) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- c) Encourage the settlement by negotiation and mediation of all the disputes between the members and their employers;
- d) Eliminate harassment and discrimination of any sort or on any basis; for the equality of treatment regardless of class, race, colour, nationality, age, sex/gender, language, sexual orientation, place of origin, ancestry, religious beliefs, or mental and physical disability; and the active opposition of discrimination of same wherever it occurs or appears;
- e) Establish strong working relationships with the public we serve and the communities in which we work and live;
- f) Promote universally accessible quality Legal Aid services, including education, in Saskatchewan;
- g) Promote the active participation in and support for broader social issues of concern to its members; and
- (h) Support CUPE in reaching all of the **goals** set out in Article II of the CUPE National Constitution.

SECTION 3 – REFERENCES

Numbers of articles at the end of sections or sub-sections in this document refer to relevant articles of the CUPE National Constitution which should be read together with these Bylaws.

SECTION 4 – MEMBERSHIP

a) Application for Membership

An individual employed within the jurisdiction of Local 1949 can apply for membership in Local 1949 by signing an application and paying the initiation fee set out in Section 11(a) of these Bylaws. (Article B.8.1)

b) Approval of Application

At the first membership meeting after the application has been submitted, the name(s) of the applicant(s) will be read out and unless a majority of members present at the meeting object, the applicant(s) will be accepted into membership. (Article B.8.2)

c) Continuation of Membership

Once accepted, a member continues as a member in good standing while employed within the jurisdiction of the Local Union unless the member loses good standing under the provisions of the CUPE National Constitution. (Article B.8.3)

d) Oath of Membership

New members will take this oath:

*"I promise to support and **comply with** the Constitution of this Union, to work to improve the economic and social conditions of other members and other workers, to defend and work to improve the democratic rights and liberties of workers and that I will not purposely or knowingly harm or assist in harming another member of the Union."* (Article B.8.4)

e) Member Obligations

Members are obligated to abide by the CUPE National Constitution and these Bylaws as amended from time to time.

Members will provide the Recording Secretary with their current address, home telephone contact number and where available, an e-mail address. The member will advise the Recording Secretary of any changes to their contact information. This information will be protected and used to communicate with members. Such communication will take the form of mail, e-mail blasts or telephone town halls.

In the case of a telephone town hall, the telephone number may be shared with a service provider under contract to the Local Union to provide the technical equipment to support such a virtual meeting.

Upon request, the Local Union will share the telephone contact information with CUPE National or CUPE Saskatchewan. The purpose of sharing this telephone contact information with CUPE National or CUPE Saskatchewan is so that the National Union or Provincial Division can conduct a telephone town hall with members on important matters.

SECTION 5 – AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 1949 shall be affiliated to and pay per capita tax to the following organization(s):

- The CUPE Saskatchewan Provincial Division
- The Saskatchewan Federation of Labour
- The Prince Albert & District Labour Council

SECTION 6 – MEMBERSHIP MEETINGS

a) Regular Membership Meetings

Regular membership meetings of Local 1949 shall be held in Spring and Fall of each year. Notice of each regular membership meeting outlining the date, time and location shall be given to members at least seven (7) days in advance of the meeting.

When a statutory holiday or a situation beyond the control of the Local Union arises which causes the cancellation of a regular membership meeting, the Executive Board shall reschedule the regular membership meeting, and will give members seven (7) days' notice of the date of the rescheduled regular membership meeting.

b) Special Membership Meetings

Special membership meetings of Local 1949 may be required and shall be called by the Executive Board or may be requested, in writing, by no fewer than ten (10) members. The President shall immediately advise members when a special meeting is called and ensure that all members receive at least forty-eight (48) hours' notice of the special meeting, the subject(s) to be discussed, the date, time and location. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.

c) Quorum

The minimum number of members required to be in attendance for the transaction of business at any regular or special meeting shall be fourteen (14) members, plus two (2) members of the Executive Board.

d) Membership Meeting Agenda

The order of business at regular membership meetings is as follows:

- 1. Acknowledgement of Indigenous territory**
- 2. Roll call of officers**
- 3. Reading of the Equality Statement**
- 4. Voting on new members and initiation**
- 5. Reading of the minutes**
- 6. Matters arising from the minutes**
- 7. Secretary-Treasurer's Report**
- 8. Communications and bills**
- 9. Executive Board Report**
- 10. Reports of committees and delegates**
- 11. Nominations, elections, or installations**
- 12. Unfinished business**
- 13. New business**
- 14. Good of the Union**
- 15. Adjournment(Article B.6.1)**

SECTION 7 – OFFICERS

The Officers of Local 1949 shall be the President, Vice-President, Secretary-Treasurer, Recording Secretary, three (3) Trustees, a Grievance Chair, Chief Steward **and a Joint Job Evaluation Committee Liaison.** (Articles B.2.1 and B.2.2)

Executive Board Officers shall receive an annual Honorarium of \$500.00 per year, paid semi-annually in the amount of \$250.00 after each Fall and Spring meeting.

SECTION 8 – EXECUTIVE BOARD

- a) The Executive Board shall include all Officers, except Trustees. (Article B.2.2)
- b) The Executive Board shall meet at least eight (8) times per year. (Article B.3.14)
- c) A majority (**more than 50% of all filled positions**) of the Executive Board constitutes a quorum.
- d) The Executive Board shall hold title to any real estate of the Local Union as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposal to a membership meeting and having it approved.
- e) The Executive Board shall do the work delegated to it by the Local Union and shall be held responsible for the proper and effective functioning of all committees.
- f) Should any Executive Board member fail to answer the roll call for three (3) consecutive regular meetings or three (3) consecutive regular Executive Board meetings without having submitted good reasons, their office shall be declared vacant and shall be filled by an election at the following membership meeting. (Article B.2.5)

SECTION 9 – DUTIES OF OFFICERS

Each Officer of Local 1949 is encouraged to participate in CUPE educational courses to enhance their leadership skills and expand their knowledge and expertise.

All Officers must give all properties, assets, funds and all records of the Local Union to their successors at the end of their term of Office. (Article B.3.9)

All signing Officers of Local 1949 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority. (Article B.3.5)

a) The President shall:

- Enforce the CUPE National Constitution, these Local Union Bylaws and the Equality Statement.
- Interpret these Bylaws as required.
- **Chair** all membership and Executive Board meetings and preserve order.
- Decide all points of order and procedure (subject always to appeal to the membership).
- Have the same right to vote as other members. In the case of a tie vote, the President may cast another vote or the President may refrain from casting an additional vote, in which case the motion is defeated.
- Ensure that all Officers perform their assigned duties.
- **Appoint committees where there is no other method of appointment.**
- Fill committee vacancies where elections are not provided for.
- Introduce new members and conduct them through the initiation ceremony.
- **Approve payments, sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union Bylaws, or vote of the membership.**
- Be allowed necessary and reasonable funds to reimburse the President or any Officers for expenses incurred on behalf of the Local Union. Expense claims must be listed on a proper form outlining the expense, the reason for the expense, and with supporting receipt(s) attached.
- Have first preference as a delegate to the CUPE National Convention.

b) The Vice-President shall:

- If the President is absent or not eligible, perform all duties of the President.
- Preside over membership and Executive Board meetings in the absence of the President.
- If the office of the President falls vacant, be Acting President until a new President is elected through a by-election.
- Render assistance to any member of the Executive as directed by the Executive Board.

c) **The Recording Secretary shall:**

- Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports.
- Record all amendments and/or additions in the Bylaws and make certain that these are sent to the National President for approval prior to implementing.
- Answer correspondence and fulfil other administrative duties as directed by the Executive Board.
- Keep a record of all correspondence received and sent out.
- Prepare and distribute all notices to members.
- Have all records ready on reasonable notice for the Trustees or auditors.
- Preside over membership and Executive Board meetings in the absence of both the President and Vice-President.
- Be empowered, with the approval of the membership, to employ administrative assistance to be paid for out of the Local Union's funds.
- Performs other duties required by the Local Union, its Bylaws or the National Constitution.

(Article B.3.3)

d) **The Secretary-Treasurer shall:**

- Receive all revenue, initiation fees, dues, and assessments, keeping a record of each member's payments, and deposit promptly all money with a bank or credit union.
- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union Bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- Ensure that per capita tax is paid by direct remittance, or where per capita is not paid by direct remittance, prepare all CUPE National per capita tax forms and remit payment, including \$1.00 of each initiation fee on all members admitted, no later than the last day of the following month.
- Be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or expense claims for every disbursement made, receipts for all money sent to CUPE National, as well as records and supporting documents for all income received by the Local Union.
- Record all financial transactions in a manner acceptable to the Executive Board and in accordance with good accounting practices.
- Make a full financial report to meetings of the Local Union's Executive Board.
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.
- Be bonded through the master bond held by CUPE National. Any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office.
- Pay no money unless supported by a cheque requisition or expense form or request for payment duly signed by the President and one (1) other member of the Executive Board as determined by the Executive Board. No request shall be required for payment of per capita fees to any organization to which the Local Union is affiliated.
- Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, respond, in writing, to any recommendations and concerns raised by the Trustees.
- Provide the Trustees with any information the Trustees require to complete the audit, including forms provided by CUPE National.
- Where required, and not later than February 28 each year, furnish each member, on the forms supplied by CUPE National, with a statement showing the net amount of tax-deductible dues paid by them during the preceding calendar year.
- Be empowered, with the approval of the membership, to employ necessary administrative assistance to be paid for out of the Local Union's funds.
- Notify all members who are one (1) month in arrears and report to the Executive Board all

members two or more months in arrears in the payment of Union dues. (Articles B.3.4 to B.3.8)

e) **The Grievance Chair shall:**

- Act as Chairperson of the Grievance Committee.
- Provide mentoring to the committee and elected Area Stewards.
- Perform other such duties as may be directed by the Executive Board or membership.

f) **The Chief Steward shall:**

- Serve as a member of the Grievance Committee.
- Coordinate training for, and provide mentoring to, elected Area Stewards.
- Conduct elections for Area Stewards when required in each area as per Section 10 b) 2.
- **Be the liaison with the members and the Union Executive.**
- Perform other such duties as may be directed by the Executive Board or membership.

g) **The Trustees shall:**

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the committees at least once every calendar year.
- Make a written report of their findings to the first membership meeting following the completion of each audit.
- Submit, in writing, to the President and Secretary-Treasurer, any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner.
- Be responsible to ensure that monies have not been paid out without proper constitutional or membership authorization.
- Ensure that proper financial reports have been given to the membership.
- Audit the record of attendance.
- Inspect at least once a year, any stocks, bonds, securities, office furniture and equipment and titles or deeds to property that may at any time be owned by the Local Union and report their findings to the membership.
- Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
 - (i) Completed Trustee Audit Program
 - (ii) Completed Trustees' Report
 - (iii) Secretary-Treasurer Report to the Trustees
 - (iv) Recommendations made to the President and Secretary-Treasurer of the Local Union
 - (v) Secretary-Treasurer's response to recommendations
 - (vi) Concerns that have not been addressed by the Local Union Executive Board.

(Articles B.3.10 to B.3.12)

h) **The Joint Job Evaluation Committee Liaison shall:**

- **Serve as a member (and union spokesperson) on the Joint Job Evaluation Committee (JJEC).**
- **Coordinate training for, and provide mentoring to CUPE 1949 JJEC members.**
- **Be the liaison with the members and the Union Executive on all matters concerning job evaluations and reclassifications.**
- **Perform other such duties as may be directed by the Executive Board or membership.**

SECTION 10 – NOMINATION, ELECTION AND INSTALLATION OF OFFICERS

a) Nominations

1. Nominations will be received at the regular membership meeting held in the Fall.
2. Nominations will be accepted from members in attendance at the Fall meeting or from those members who have allowed their name to be filed, in writing, at the meeting, witnessed by another member.
3. To be eligible for nomination, the nominee must have been accepted into membership and continue to be a member in good standing. (Articles B.8.1, B.8.2 and B.8.3)
4. A member may accept nomination for a position while holding office in any position. If successful in the election, their resignation from their current position will take effect at that time.
5. No member will be eligible for nomination if they are in arrears of dues and/or assessments.

b) Elections

1. **All Table Officers are elected by majority vote of unspoiled ballots or electronic votes conducted either by in-person voting, by electronic vote, or by referendum vote as determined by the Executive Board. A referendum vote must be held in a way that permits all members to participate. In the case of a referendum vote, the Executive Board shall elect officers by plurality.**
2. The President, Recording Secretary, **Joint Job Evaluation Committee Liaison** and Grievance Chair are elected in odd years. The Vice-President, Secretary-Treasurer, Chief Steward, three (3) Grievance Appeal Committee members and one (1) alternate are elected in even years.
3. Area Stewards shall be elected from each of the following Legal Aid Offices during odd numbered years: **Application Centre**, Battlefords, Meadow Lake, Melfort, Moose Jaw, Northern, Prince Albert, Regina City, Regina Rural, Saskatoon City, Saskatoon Rural, South East, Swift Current and Yorkton.
4. At a membership meeting holding the Election Day, the President will, subject to the approval of the members present, appoint an Elections Committee consisting of a Chief Returning Officer and assistant(s). The committee will include members of the Local Union who are neither Officers nor candidates for office. The Elections Committee shall have full responsibility for voting arrangements and shall treat information submitted to it in connection with its responsibilities as confidential. The National Representative assigned to the Local Union shall serve as an advisor to the committee when requested by the Local Union.
5. The Executive Board will determine the form of the ballot **or electronic vote. In the case of in-person voting, the Board shall** ensure that sufficient quantities are made available, in good time, to the Chief Returning Officer. **Once the Executive Board has decided on a specific voting method, the election notice or notice of motion will specify the voting method to be communicated to the membership.**
6. The Chief Returning Officer will be responsible for issuing, collecting, and counting ballots. **In the case of electronic voting, the Chief Returning Officer will assist with the implementation of electronic ballots votes and provision of a voting report.** The Chief

Returning Officer must be fair and impartial and see that all arrangements are unquestionably democratic.

7. The voting will take place at the Fall membership meeting. The vote will be by secret ballot. **The meeting may be held in person and/or virtually. Where virtual meetings are held, all voting will be conducted electronically provided secrecy can be maintained, where mandated.**
8. Voting to fill one office will be conducted and completed, and recounts dealt with before balloting may begin to fill another office.
9. A majority of votes cast will be required before any candidate can be declared elected, and second and subsequent ballots will be taken if necessary to obtain a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot will be dropped.
10. In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.
11. When two or more nominees are to be elected to any office by ballot, each member voting will be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled. (Article 10.4)
12. Any member may request a recount of the votes for any election and a recount will be conducted if the request is supported, in a vote, by at least the number of members equal to the quorum for a membership meeting as set out in Section 6(c).
13. All election complaints by members will be submitted, in writing, to the Chief Returning Officer as soon as possible but, in no circumstances, will a complaint be valid if it is filed later than seven (7) days after the election. The Chief Returning Officer in conjunction with the Elections Committee will investigate the complaint and issue a ruling as soon as practical and report the ruling to the very next regular membership meeting.

c) **Installation of Officers**

1. All duly elected Officers shall be installed at the meeting at which elections are held and shall continue in office for two (2) year(s) or until a successor has been elected and installed, provided, however, that no term of office shall be less than one (1) year and no longer than three (3) years. (Article B.2.4)
2. The terms of office for Trustees shall be so that one (1) serves for a period of three (3) years, one (1) for two (2) years, and one (1) for one (1) year, as laid down in Article B.2.4 of the CUPE National Constitution. Each year thereafter, the Local Union shall elect one (1) Trustee for a three (3) year period. No member who has been a signing Officer for the Local Union is eligible to run for Trustee, until at least one (1) full term of office has elapsed.
3. *At the 2023 National Convention, delegates adopted an amendment to the oath of nomination and office to be more inclusive and not limited to one specific way of being sworn in. This provision will require amendment to read: "A candidate who is elected to office must clearly communicate or affirm this oath".* (Article 10.7(b))

d) **By-elections**

Should an office fall vacant for any reason, the resulting by-election should be conducted as closely as possible in conformity with this section. The term of office for any position filled

through a by-election will be the term that the vacated position was initially elected to fulfill.

SECTION 11 – FEES, DUES AND ASSESSMENTS

a) Initiation Fee

Article B.3.8 of the National Constitution was amended at the 2023 National Convention to remove the initiation fee requirement for each person admitted to membership. Locals are no longer required to remit a \$1.00 initiation fee to the National Union for each new member. If Local 1949 wishes to stop collecting initiation fees, it may be removed next time they review their bylaws. In the meantime, it remains in effect, but the amounts received do not have to be sent to the National Union. (Articles B.4.1 and B.8.2)

b) Readmission Fee

The readmission fee shall be \$2.00. (Article B.4.1)

c) Monthly Dues

The monthly dues shall be 1.75% of regular wages. (Article B.4.3)

d) Amending Monthly Dues

The regular monthly dues may be amended at a regular or special membership meeting. The vote must be by secret ballot. Notice of at least seven (7) days at a previous meeting or sixty (60) days, in writing, must be given. (Article B.4.3)

e) Assessments

Assessments may be levied in accordance with the CUPE Constitution. Assessments do not mean or include regular monthly dues and are applied for a specific purpose or specific length of time. Membership approval is required and the assessment will only be applied after the National President approves the assessment. (Article B.4.2)

SECTION 12 – NON-PAYMENT OF DUES AND ASSESSMENTS

A member who fails to pay dues and assessments for three (3) months is automatically suspended from membership. The suspension will be reported to the Executive Board by the Secretary-Treasurer. The Executive Board will report all suspensions to the next membership meeting. The member may return to membership in good standing by paying a readmission fee and any other penalty set by the Local Union. The readmission fee cannot be less than the initiation fee of the Local Union.

A member who has been unemployed or unable to work because of sickness shall pay the readmission fee but may not be required to pay arrears. (Article B.8.6)

SECTION 13 – EXPENDITURES

a) Payment of Local Union Funds

Funds can only be spent for valid purposes of the Local Union under the following circumstances:

- When the expenditure is authorized by a budget approved by a majority of members present and voting at a regular or special membership meeting;
- When these Bylaws approve the expenditure; or
- Through a vote of the majority of members present and voting at a regular or special membership meeting. (Article B.4.4)

b) **Payment of Per Capita Tax and Affiliation Fees**

Authorization to pay per capita tax to CUPE National, to CUPE Saskatchewan Provincial Division, or any labour organization the Local Union is affiliated with, is not required.

c) **Payment of Local Union Funds to Members or Causes Outside of CUPE**

Except for ordinary expenses and bills as approved at membership meetings, no sum over \$1,500.00 shall be voted for the purpose of a grant or contribution to a member or any cause outside of the Union, except at a general membership meeting of which two (2) weeks' prior notice of intent to propose the motion has been given, and that any expenses over \$500.00 will be reported by the Executive.

d) **No Officer or member of Local 1949 will be allowed to spend any Local Union funds without first having received authorization under Section 13(a) of these Bylaws.**

SECTION 14 – TRAVEL EXPENSES

The following reasonable and necessary expenses shall be provided for:

a) **Annual and Membership Meetings**

When members of the Union are required to travel to attend these meetings, they shall be paid the cost of:

- Shared accommodation with other members whenever possible;
- A per diem rate for meals according to the Provincial Government sustenance rates;
- Mileage for the use of a private vehicle based on current Provincial rates. Members are expected to travel together whenever possible.

b) **Bargaining Committee and Executive Board Meetings**

When members of the Union are required to attend these meetings, they shall be paid for the cost of:

- Shared accommodation with other members whenever possible;
- A per diem rate for meals according to the Provincial Government sustenance rates;
- Mileage for the use of a private vehicle based on current Provincial rates. Members are expected to travel together whenever possible;
- Cost of transportation when members use air or train travel. Must be approved by the Executive prior to travel being paid for;
- Loss of pay, if any.

SECTION 15 – CHILD CARE, DEPENDENT CARE AND ELDER CARE

Caring for children, dependents or the elderly are barriers to actively participating in the Union or to attending membership meetings. Local 1949 is committed to removing barriers within its control so that all members have equal access to participation.

- a) When it is practical and demand warrants, Local 1949 will provide on-site child care at all Local Union membership meetings. Where on-site child care is not provided, and in the case of dependent care or elder care, members will be reimbursed to a maximum of the living wage for the area for each hour of required care. Reimbursement will be provided upon proof of payment.
- b) Any member who is on authorized Local 1949 business shall be eligible for child care, dependent care, and/or elder care expenses where required. Upon proof of payment, claims shall be reimbursed to a maximum of the living wage for the area for each hour of care required.

- c) Claims will not be paid for a spouse, partner, or a family member who normally provides care without charges. Claims will not be paid for periods of time where a member would normally have paid for care such as during normal hours of work at their job.

SECTION 16 – DELEGATES TO CONFERENCES, CONVENTIONS AND EDUCATIONALS

- a) Except for the President's option [Section 9(a)], all delegates to conventions, conferences, and educational shall be chosen by election at membership meetings.
- b) All delegates attending conventions, conferences, or educational held outside the town of the delegate shall be paid transportation expenses for mileage based on current Provincial rates, cost of transportation when members use air or train travel must be approved by the Executive prior to travel being paid, and a per diem allowance according to the Provincial Government sustenance rates shall be paid. The Local Union will reimburse the member's employer for any loss of wages.
- c) Delegates to conventions, conferences, and educational held locally shall have no travel allowance. There shall be a per diem allowance according to the Provincial Government sustenance rates for meals and expenses incurred by attendance at the convention, conference or educational. The Local Union will reimburse the member's employer for any loss of wages.
- d) Local 1949 encourages the participation of women and all equity-seeking groups in their delegation to conventions, conferences and educational.

SECTION 17 – COMMITTEES

a) Special Committees

A special committee may be established for a specified purpose and a specified period of time by the membership at a meeting. The members shall be elected at a membership meeting, or may, by specific authorization of the membership, be appointed by the President or the Executive Board. Two (2) members of the Board may sit on any special committee as ex-officio members.

1. Negotiating Committee

This will be a special committee established at least six (6) months prior to the expiry of the Local Union's collective agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of three (3) members of whom are lawyers and three (3) members of whom are non-lawyers, all elected at a membership meeting. The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.

b) Permanent Committees

Permanent committees will have a term of two (2) years. The Chairperson or the Executive Board may, with the approval of the membership, jointly appoint other members to serve on a committee. Committees will provide written reports to each regular membership meeting. The Vice-President shall be a member, ex-officio, of each committee **but not an ex-officio of the Grievance Appeal Committee.**

1. Grievance Committee

- a) The Grievance Chair or designate shall be the Chairperson of this committee and shall oversee the handling of all Local grievances.
- b) The Chief Steward shall be a member of the Grievance Committee.

- c) The committee shall appoint its secretary from among its members.
- d) The National Representative assigned to the Local Union shall be a non-voting member of the committee and shall be consulted at all stages.

This committee will:

- Receive copies of all grievances.
- Prepare a report on the status of all grievances to be submitted to the Executive Board, the National Representative and to the membership meeting.
- When a grievance is not settled in the initial steps provided for in the Collective Agreement, this committee will decide whether or not the grievance should proceed to arbitration.
- If the decision is to not proceed, the grievor(s) may appeal the decision to the Grievance Appeal Committee.

2. Labour/Management Committee

This committee will:

- Be responsible to encourage communication between CUPE Local 1949 and management, to promote better working conditions.
- Consist of the President and one (1) member of the Executive Board, selected by the Executive Board.

3. Grievance Appeal Committee

This committee will:

- Be convened at the request of a member or members interested in appealing a decision of the Grievance Committee.
- Determine its procedures and communicate those procedures to the parties.
- Schedule a reasonable time frame to hear the appeal.
- Provide a written decision to the parties after its deliberations.
- Consist of three (3) members (Chairperson to be selected from among the three members) and an alternate to be elected at the Annual General Membership Meeting for a two-year term.

SECTION 18 – ANNUAL MEETING

1. CUPE Local 1949 shall meet annually in Convention at a date in the Fall.
2. Notwithstanding any of the aforementioned, the Annual General Membership Meeting of CUPE Local 1949 may be held at any location in the Province of Saskatchewan during the Fall at a date, time and location at the discretion of the Executive Board, provided however, that the said meeting is held in conjunction with the Legal Aid All Systems Seminar. If the Legal Aid All Systems Seminar is not being held, the meeting date, time and location will be at the discretion of the Executive Board. All members of the Union will be given an opportunity to attend. A minimum of seven (7) days' meeting notice will be provided to the members.
3. Resolutions – All resolutions to be introduced for consideration at the meeting shall be signed by the member or members submitting it.
 - a) Such resolution must be in the hands of the Recording Secretary not later than two (2) weeks prior to the opening of the meeting and a copy of all resolutions shall be distributed to each member attending the annual meeting, prior to such resolution being considered by the members.
 - b) Resolutions can also come from the floor of the Annual Meeting. The President shall order a

vote to be conducted by the membership on any resolution introduced upon the request of one-third (≈33%) of the members present. The vote shall be conducted by mail ballot.

- c) Before a resolution changing the Bylaws can be enacted it must be approved by CUPE National.

SECTION 19 – COMPLAINTS AND TRIALS

All charges against members or Officers must be made, in writing, and dealt with in accordance with the Trial Procedure provisions of the CUPE National Constitution. (Appendix B.11.1 and Appendix F)

SECTION 20 – RULES OF ORDER

All meetings of the Local Union will be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these Bylaws as Appendix 'C'. These rules shall be considered as an integral part of the Bylaws and may be amended only by the same procedure used to amend the Bylaws.

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

SECTION 21 – AMENDMENTS

a) CUPE Constitution

These Bylaws are always subordinate to the CUPE Constitution (including Appendix 'B') as it now exists or may be amended from time to time, and in the event of any conflict between these Bylaws and the CUPE Constitution, the latter shall govern. The National President has the sole authority to interpret the CUPE Constitution. (Articles 8.2(c), 12.3 and B.5.1)

b) Additional Bylaws

A Local Union can amend or add to its Bylaws only if:

- (i) the amended or additional Bylaws do not conflict with the CUPE Constitution;
- (ii) the amended or additional Bylaws are approved by majority vote at a regular membership meeting or at a special membership meeting called for that purpose; and
- (iii) a notice of the intention to propose the amended or additional Bylaws was given at least seven days before at a previous membership meeting or 60 days before in writing. (Articles 12.3 and B.5.1)

c) Effective Date of Amended or Additional Bylaws

The amended or additional Bylaws do not come into effect until they have been approved, in writing, by the National President. The National President will decide whether to approve the amended or additional Bylaws within ninety (90) days of receiving them and will withhold approval only where they conflict with the CUPE Constitution. (Articles 12.3 and B.5.1)

SECTION 22 – PRINTING AND DISTRIBUTION OF BYLAWS

Members will receive a copy of Local 1949 Bylaws at a General Membership meeting, or upon request.

SECTION 23 – INDEMNITY CLAUSE

CUPE Local 1949 shall pay the cost of:

- 23.1 a) Defending an action or proceeding against a Union officer claiming liability on the part of that Union officer for acts or omissions done or made by the Union officer in the course of **their** duties or paying any sum required to settle the action or proceeding;

- b) Damages and costs awarded against a Union officer as a result of the finding of liability on the part of that Officer for acts or omissions done or made by the Union officer in the course of **their** actions.

This Bylaw shall cover Executive officers of Local 1949 only.

APPENDIX 'A' – CUPE NATIONAL EQUALITY STATEMENT



EQUALITY STATEMENT

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

As unionists, mutual respect, cooperation and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.

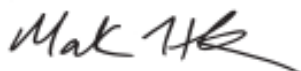
Discriminatory speech or conduct which is racist, sexist, transphobic or homophobic hurts and thereby divides us. So too, does discrimination on the basis of ability, age, class, religion, language and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a union.

Discrimination and harassment focus on characteristics that make us different; and they reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our union.

CUPE's policies and practices must reflect our commitment to equality. Members, staff and elected officers must be mindful that all persons deserve dignity, equality and respect.




MARK HANCOCK
National President


CANDACE RENNICK
National Secretary-Treasurer

APPENDIX 'B' – CODE OF CONDUCT

The mandate of our union, the Canadian Union of Public Employees (CUPE), is to organize and defend workers and to promote economic and social justice for our members and for all workers. In carrying out our work, we in CUPE strive to promote our core values which include the principles of solidarity, equality, democracy, integrity, and respect. We are committed to mobilizing our energy and skills to work together to promote these values and to attain these goals in our Union, our communities, and globally.

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

The Code of Conduct sets out standards of behaviour for **participants at national convention, national conferences, schools, meetings, and any** other events organized by **CUPE National**. It is **also applicable to structures of CUPE – locals, Provincial and Service Divisions, District Councils, Provincial Unions, Councils of Unions, Provincial Councils of Unions, and Provincial Sectoral Groups**. It is consistent with the expectations outlined in the Equality Statement **and the CUPE National Constitution**.

This Code of Conduct is intended to deal with complaints of inappropriate behaviour at events organized by CUPE National and at events, meetings and activities by other parts of CUPE referenced above. It does not apply to complaints arising in the workplace, as those are dealt with through the grievance procedure and/or the applicable workplace harassment policy.

As **CUPE** members, **staff, and elected Officers**, we commit to one another and to the Union to be governed by the principles of the Code of Conduct and agree to:

- Abide by the provisions of the Equality Statement;
- Respect the views of others, even when we disagree;
- Recognize and value individual differences;
- Communicate openly;
- Support and encourage each other;
- Make sure that we do not harass or discriminate against each other;
- Commit to not engaging in offensive comment or conduct;
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating;
- Take responsibility for not engaging in inappropriate behaviour due to abuse of alcohol or other drugs while participating in Union activities, including social events.

Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behaviour which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

A complaint regarding this Code of Conduct will be handled as follows:

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code, by asking the person to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. **At national convention, national conferences, schools, meetings, and all other events**

organized by CUPE National, a complaint shall be brought to the attention of an ombudsperson.

3. At a meeting, event, or activity held by a structure of CUPE, should an ombudsperson be available, the same process would be used. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
4. If the complaint involves a national staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another part of CUPE, the person responsible for their employment will be the one to whom a complaint is referred and the relevant collective agreement, should it exist, would be applicable.
5. Once a complaint is received, **and where an ombudsperson is not being used**, a designated Officer of the Local Union will work to seek a resolution.
6. If this fails to resolve the matter, the designated Officer of the Local Union shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.
7. **At CUPE National events where an ombudsperson is not available, a person properly appointed and designated to be in charge shall receive the complaint. Depending on the nature of the problem, the person in charge may attempt to resolve it through conflict resolution. If this fails to resolve the matter, the person in charge shall determine whether there is a need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses. The same process is to be used for other parts of CUPE where an ombudsperson is not available.**
8. For National events, if the person in charge is a party to the complaint, the director or designate shall assume that role. For all other parts of CUPE, an alternate will be designated to assume the role.
9. In a case where a member has been expelled from a National event, the National President shall receive a report on the matter. For all other structures of CUPE, the presiding officer shall receive a report on the matter.
10. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National. A similar process may be applicable to the other parts of CUPE, done in consultation with the National President.

This Code of Conduct is designed to create a safe, respectful and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the Bylaws of Local 1949, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

All chartered organizations are subject to this Code of Conduct, to apply to conventions, conferences, schools, and meetings which they organize.

The above Code of Conduct arises from the National Women's Task Force (NWTF) report, and Resolution 209 adopted at the 2007 National Convention.

APPENDIX 'C' – RULES OF ORDER

1. The President will be the Chairperson at all membership meetings. In the absence of the President, the Vice-President will be the Chairperson at the membership meeting. In the absence of the President and Vice-President, the Recording Secretary will be the Chairperson at the membership meeting. In the absence of the President, Vice-President and Recording Secretary, members at the membership meeting will select a Chairperson by majority vote. Quorum rules must be met.
2. Members are not allowed to speak about an issue for more than five (5) minutes. Members can only speak to an issue once unless there is agreement by the members at a meeting, or where all those wishing to speak have had the opportunity to speak.
3. The Chairperson of a committee who is making a report or the mover of a motion may speak for up to fifteen minutes. With the agreement of the members present, the fifteen minutes may be expanded.
4. The Chairperson will state every motion presented at a membership meeting before allowing debate on the motion. Before putting a motion to a vote, the Chairperson will ask: "Is the Local ready for the motion?" If no member rises to speak, the motion will be voted upon.
5. A motion must be moved and seconded. The mover and seconder must rise and be recognized by the Chairperson.
6. A motion to amend a motion, or a motion to amend an amendment are allowed, however a motion to amend an amendment to an amendment is not allowed.
7. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.
8. On motion, the regular order of business at a membership meeting may be suspended where two-thirds (2/3) of those present vote to do so. The regular order of business should only be suspended to deal with urgent business.
9. Motions other than those named in Rule 19, or motions to accept or adopt the report of a committee, will, if requested by the Chairperson, be put, in writing, prior to beginning debate and vote.
10. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.
11. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.
12. A member who wishes to speak on a motion, or a member who wishes to move a motion, shall rise, and respectfully address the Chairperson. The member shall not proceed until the member is recognized by the Chairperson except where the member rises to a point of order or on a question of privilege.
13. The Chairperson will keep a speakers list and, in all cases, will determine the order of speakers including those circumstances where two or more members rise to speak at the same time.
14. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.

15. A member that is called to order will stop speaking until the point of order is determined. If it is decided that the member is in order, then the member may continue speaking.
16. Religious discussion of any kind is not permitted.
17. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.
18. The Chairperson will have the same right to vote as other members. In the case of a tie vote, the Chairperson may cast another vote or the Chairperson may refrain from casting an additional vote, in which case the motion is defeated.
19. When a motion is before the members, no other motion is in order except a motion to 1) adjourn; 2) put the previous question; 3) lay on the table; 4) postpone for a definite time; 5) refer; or 6) divide or amend. These six (6) motions shall have precedence in the order indicated. Motions 1 through 3 shall be decided without debate.
20. The Chairperson will ask "Will the main question be now put?" where a motion for the previous question is moved and seconded. If approved, the Chairperson will then take votes on the motion and amendments to the motion (if any) in order of priority. If an amendment or an amendment to an amendment is approved, then members will be asked to vote on the motion as amended.
21. A motion to adjourn is in order except when a member is speaking or when members are voting.
22. A motion to adjourn, if lost, is not in order if there is further business before the Local Union, until fifteen minutes have elapsed.
23. After the Chairperson declares the vote results on a question, and before the Local Union proceeds to another order of business, any member can ask for a division. A standing vote on the division will be taken and the Recording Secretary will count the standing vote.
24. If a member wishes to appeal a decision of the Chairperson, the member must appeal at the time the decision is made. If the appeal is seconded, the member will be asked to state briefly the basis for the appeal. The Chairperson will then state briefly the reasons for the decision. Following immediately and without debate, the Chairperson will ask, "Will the decision of the chair be upheld?" A majority vote shall decide. In the event of a tie vote, the decision of the chair is upheld.
25. At a membership meeting where a question has been decided any two (2) members who voted with the majority can give notice of a motion to reconsider a decision of the membership at the next membership meeting. The motion to reconsider requires the support of a two-thirds (2/3) majority of members who vote. If two-thirds (2/3) majority of members support reconsideration, the question will be placed in front of the membership for debate and a subsequent vote.
26. Members are allowed to leave a meeting with the permission of the Vice-President; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.
27. The Local Union's business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.