

Operating Bylaws

of the

Canadian Union of Public Employees Local 5167

TO BE READ IN CONJUNCTION WITH THE CUPE NATIONAL CONSTITUTION

Approved May 18, 2017

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<h2>1. Composition</h2>	
1.1 Units	<p>Local 5167 is a composite local made up of the following bargaining units: and all such bargaining units as may merge, amalgamate or be organized by the local union.</p> <ul style="list-style-type: none"> a) Airport; b) City of Hamilton; c) DARTS; d) Good Shepherd Women’s Services; e) Macassa/Wentworth Lodge; f) Royal Botanical Gardens; g) St. Matthew’s House.

<h2>2. Principles and Objectives</h2>	
2.1	To unite in one organization, regardless of religion, race, creed, sex, political affiliation, nationality, sexual orientation, ability, or age, all employees under the jurisdiction of this Local.
2.2	To advance the social, economic, and general welfare of active and retired workers.
2.3	To support the Canadian Union of Public Employees in its objectives as set out in the National Constitution of the Canadian Union of Public Employees.
2.4	To improve the health and safety and general working conditions within the workplace.
2.5	To educate our membership on the history of the Labour Movement and to develop and maintain an informed and dignified membership, to work for the passage of improved legislation in the interest of all Labour, to enforce existing laws and to work for the repeal of those which are unjust to Labour, at all Levels of Government.
2.6	To coordinate its activities at every level to protect the interests of all members in recognition of the principle that an injustice to one member is an injustice to all members, and that in solidarity, there is strength.
2.7	All local meetings and events will be conducted in accordance with the Equality Statement as per the CUPE National Constitution. In addition all General Membership Meetings will open with the Equality Statement being read out loud.

3. Organization and Powers of Administration

3.1 Highest Authority	The highest decision making and policy-forming body shall be the General Membership Meeting.
3.2 Executive Board	Between General Membership Meetings, the highest authority shall be the Executive Board. Executive Board decisions shall be reported to the General Membership.
3.3 Confidentiality	All members elected to a position or committee under these Bylaws shall sign the Confidentiality Agreement (Appendix A).

4. Affiliations

4.1 Affiliations	The Local shall be affiliated to the following: Ontario Division, Canadian Union of Public Employees, Ontario Federation of Labour, Hamilton & District Labour Council, Hamilton & District CUPE Council.
4.2 Worker's Arts and Heritage	The Local shall be a member of the Ontario Workers' Arts and Heritage Centre.
4.3 Delegates	The Local shall hold elections every two years for delegates to both the Hamilton & District CUPE Council and the Hamilton District Labour Council. The nominations and elections for delegates will take place at the January Membership Meeting in even numbered years.

5. Executive Board Structure

<p>5.1 Officers</p>	<p>The Executive Board shall be made up of the following officers elected within and by the membership at large:</p> <ol style="list-style-type: none">a) President,b) Vice-President,c) Second Vice-President,d) Third Vice-President,e) Fourth Vice-President,f) Equity Vice Presidentg) Executive Administrator,h) Treasurer,i) Bargaining Unit/ Workgroup Vice-Presidents to be elected within and by the effected unit/workgroup;<ul style="list-style-type: none">• Airport,• City - Inside Workgroup,• City – Outside Workgroup,• DARTS,• Good Shepherd Women’s Services,• Macassa/Wentworth Lodge,• Royal Botanical Gardens,• St. Matthew’s House.
<p>5.2 New Units</p>	<p>As other bargaining units are organized, merged, or amalgamated, a Unit Vice-President will be elected to the Executive Board within and by the new unit.</p>
<p>5.3 Paid Leaves</p>	<p>Any position requiring union paid leaves of absence (full-time or part-time) shall be granted in accordance with Executive Board approval.</p>

6. Executive Board									
6.1 Meetings	<p>The Executive Board shall meet at least once per month.</p> <p>The President will call all meetings of the Executive Board and can call an emergency/special meeting at any time. The President will call an emergency/special meeting if a majority of Executive Members make a request in writing.</p>								
6.2 Table Officers	<p>The Table Officers of the Local shall be the:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">a) President,</td> <td style="width: 50%;">e) Fourth Vice-President,</td> </tr> <tr> <td>b) Vice-President,</td> <td>f) Equity Vice-President,</td> </tr> <tr> <td>c) Second Vice-President,</td> <td>g) Executive</td> </tr> <tr> <td>d) Third Vice-President,</td> <td>h) Treasurer.</td> </tr> </table>	a) President,	e) Fourth Vice-President,	b) Vice-President,	f) Equity Vice-President,	c) Second Vice-President,	g) Executive	d) Third Vice-President,	h) Treasurer.
a) President,	e) Fourth Vice-President,								
b) Vice-President,	f) Equity Vice-President,								
c) Second Vice-President,	g) Executive								
d) Third Vice-President,	h) Treasurer.								
6.3 Quorum	A quorum of the Executive Board shall be seven members of the Executive Board, one of whom shall be a Table Officer.								
6.4 Recommendations to Membership	The Executive Board shall make recommendations to the General Membership Meeting with regard to communications, committee reports, and all matters affecting the Local.								
6.5 Absences	In the event that an Executive Board member is absent from three consecutive meetings of the Executive Board and/or Membership, without good and sufficient cause, the Executive Board shall declare such office vacant.								
6.6 Out of Scope	Any Executive Board member, upon accepting duties which take them out of the scope of Local 5167 Collective Agreements, shall be deemed to have immediately resigned from such union office or position for the duration of the term.								
6.7 Lost Quorum	<p>Where there is no quorum at a Membership Meeting or when quorum has been lost during the meeting, the Executive Board shall carry on independently and deal with the business at hand. The members in attendance will have a voice but no vote. In the event that the meeting cannot be completed due to a lack of quorum (6.3) the President will convene a meeting of the Executive to complete the business that should normally have been completed.</p> <p>All decisions of the executive made during the meeting where quorum was lost shall be brought to the next membership meeting for ratification.</p>								
6.8 Elected Positions	Executive Board members may not hold more than one elected position on the Executive Board.								

7. President	
7.1 CEO	The President shall function as the Chief Executive Officer of the Local and shall exercise supervision over the affairs of the Local.
7.2 Signatory	The President shall be signatory to all official documents, shall be a co-signatory for all orders on the Treasury, and shall be bondable.
7.3 Media/ Spokesperson	The President, or the President's designate, shall be the official spokesperson for the Local with the media.
7.4 Bylaw Interpretation	The President shall have the authority to interpret these By-Laws. Their interpretation shall be fair and will ensure the intent and objectives of these By-Laws, subject to the Constitution.
7.5 Full Time	The Office of the President shall be a full-time position and paid at the highest wage grade in any of the bargaining units. The benefits for the President shall be acquired from CUPE National.
7.6 Presiding at General Membership Meeting	The President shall open and preside at General Membership Meetings and Special Membership Meetings. The President shall see that officers and members perform their respective duties, preserve order, follow the correct order of business, and decide all rules of order, subject to appeal to the membership.
7.7 Special Meetings	The President shall have the right to call special meetings of the Executive Board.
7.8 Committees	The President will be a member of all regular and/or special committees of the Local.
7.9 Appointed Committees	The President may appoint all committees not constitutionally provided for.
7.10 Elected Committees	In case of a Committee vacancy, the President shall appoint an interim officer or standing committee member in consultation with the executive board until such vacancy can be filled by election if so required.
7.11 Bargaining	The President, or their designate, shall be the Chairperson of the Bargaining Committee of each bargaining unit.
7.12 Conventions & Conferences	The President and or designate shall be a constitutional delegate to all conferences and conventions.

7.13 Return of Property	At the termination of their office (or an extended leave of absence), the President shall surrender to their successor, all books, papers, seals, documents and other Property of the Local.
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<h2>8. Vice-President</h2>	
8.1 Coordination	The Vice-President shall be responsible for the coordination of issues between all bargaining units under their responsibility (as designated by the Executive Board).
8.2 Chief Steward	The Vice-President shall be the Chief Steward of the Local.
8.3 Absence of President	The Vice-President shall, in the absence of the President, fulfill the duties of the office of President.
8.4 Co-signatory	The Vice-President shall be a co-signatory on the Treasury and shall be bondable.
8.5 Unit Meetings	The Vice-President shall attend all Unit Meetings of the Units of the Local under their responsibility.
8.6 Reporting	The Vice-President shall report to the Local on the functions and activities of all Units under their responsibility.
8.7 Stewards List	Vice President shall maintain an updated list of all elected location stewards. The Vice President shall inform the Executive Administrator and Unit Vice Presidents of all changes.
8.8 Return of Property	The termination of their office (or an extended leave of absence), the Vice-President shall surrender to their successor, all books, papers, seals, documents and other Property of the Local.

9. Second Vice-President	
9.1 Scope	The Second Vice-President shall be responsible for all matters pertaining to WSIB, Attendance Management, Short Term Disability, Return to Work and Long Term Disability affecting members.
9.2 Committees	The Second Vice-President shall be the Chairperson of any committees responsible for Health and Wellness including (but not limited to) WSIB, Health and Safety, Attendance Management, Return to Work, Short Term Disability and Long Term Disability.
9.3 EAP Rep	The Second Vice-President shall be the Employee Assistance Programs Representative for the Local.
9.4 H&S and WSIB Reports	The Second Vice-President shall coordinate the reports to the Local on the functioning of all Joint Health and Safety Committees and WSIB and incident reporting.
9.5 Reporting	The Second Vice-President shall report to the Local on the functions and activities of all Committees under their responsibility.
9.6 Return of Property	At the termination of their office (or an extended leave of absence), the Second Vice-President shall surrender to their successor, all books, papers, seals, documents and other Property of the Local.

10. Third Vice-President	
10.1 Scope	The Third Vice-President shall be the Chairperson of any committees responsible for Education.
10.2 Reporting	<p>The Third Vice-President shall report to the Local on the functions and activities of all Committees under their responsibility.</p> <p>The 3rd Vice-President will maintain an education record for each member. Information to include a record of who has had training in what courses on what dates.</p>
10.3 Education Requests	The 3 rd Vice-President will make recommendations to the committee regarding educational opportunities and requests.
10.4 Return of Property	At the termination of their office (or an extended leave of absence), the Third Vice-President shall surrender to their successor, all books, papers, seals, documents and other Property of the Local.

11. Fourth Vice-President	
11.1 Scope	The Fourth Vice-President shall be the Chairperson of any committees responsible for Political Action and is responsible for coordinating all activities to mobilize the members, and to support campaigns.
11.2 Materials	The Fourth Vice-President shall coordinate the distribution of mobilization materials to the members.
11.3 Reporting	The Fourth Vice-President shall report to the Local on the functions and activities under their responsibility.
11.4 Return of Property	At the termination of their office (or an extended leave of absence), the Fourth Vice-President shall surrender to their successor, all books, papers, seals, documents and other Property of the Local.

12. Equity Vice-President	
12.1 Eligibility	The Equity Vice-President shall be a self identified member of one of the following nine (9) designated groups: young worker, aboriginal, people of colour, people with disabilities, gay, lesbian, bisexual, transgendered people, or women.
12.2 Scope	The Equity Vice-President shall be the Chairperson of any committee(s) responsible for; Human Rights, Equity, Diversity and Solidarity. Including issues related to young workers, aboriginal, people of colour, people with disabilities, gay, lesbian, bisexual, transgendered people, women.
12.3 Reporting	The Equity Vice-President shall report to the Local on the functions and activities of all Committees under their responsibility.
12.4 Equity Seeking	The Equity Vice-President shall invite Equity seeking groups of the Local to participate in a meeting to hear/address their concerns on a quarterly basis.
12.5 Materials	The Equity Vice-President shall coordinate the distribution of material to the committee and members of the Equity seeking groups.
12.6 Return of Property	At the termination of their office (or an extended leave of absence), the Equity Vice-President shall surrender to their successor, all books, papers, seals, documents and Property of the Local.

<h3>13. Executive Administrator</h3>	
13.1 Scope	<p>The Executive Administrator shall keep a correct, full, and impartial record of the proceedings of each meeting of the Local and the Executive Board.</p> <p>The Executive Administrator shall be responsible for all matters pertaining to the following committee(s): Communication and Bylaws.</p>
13.2 Co-signatory	The Executive Administrator shall be a co-signatory to all official documents of a general nature, a co-signatory on the Treasury, and shall be bondable.
13.3 Communication and Correspondence	<p>The Executive Administrator shall receive and review all communications sent to and from the Local, and shall maintain a correspondence file.</p> <p>The Executive Administrator shall ensure all correspondence is forwarded to the appropriate executive members or committees.</p>
13.4 Communications Committee	The Executive Administrator shall be the chairperson of the Communication Committee and shall make recommendations on matters pertaining to Member Communications.
13.5 Bylaws	The Executive Administrator shall be responsible for chairing the Bylaw Committee, reviewing the bylaws with the committee and keeping a record of all recommended changes, notices of motion and versions.
13.6 Postings and Distribution	The Executive Administrator shall prepare all postings and notices to the members and shall coordinate the distribution of materials to the membership in sufficient time to permit their attendance or participation.
13.7 Constitution	The Executive Administrator shall keep all notices of motions and amendments to the Constitution or otherwise shall have a master copy of the Constitution and By-laws on file.
13.8 Bargaining Committee	The Executive Administrator may be included as a member of the Local's Bargaining Committees, as deemed appropriate by the Executive Board.
13.9 Records	<p>The Executive Administrator shall be responsible for keeping all records of the Local for not less than seven years, including (but not limited to): meeting minutes, correspondence, and all other pertinent records.</p> <p>Records may be deposited with the Labour Archives Section of the McMaster University Library once the period of seven years has been exceeded.</p>
13.10 Membership Roster	The Executive Administrator shall maintain the Membership Roster.

13.11 Meeting Set-Up	The Executive Administrator shall arrange for the set up and booking of halls and rooms for meetings as directed and/or approved by the Executive Board or membership.
13.12 Administrative Staff	The Executive Administrator shall be responsible for the administration of the Local's office and shall employ administrative staff or other assistance as necessary and approved by the Executive Board, and subject to the approval of the membership.
13.13 Other Duties	The Executive Administrator shall perform all such other duties as may be incidental to the functioning of the office and fulfill those that the Executive Board or the Local is legally entitled to order the Executive Administrator to perform.
13.14 Policy Manual	The Executive Administrator shall be responsible for maintaining the Local 5167 policy manual.
13.15 Policies and Procedures	The Executive Administrator shall be responsible for developing, maintaining and implementing the policies and procedures for 5167 Employees covered under COPE Local 343 subject to Executive Board approval.
13.16 Actions Adopted	The Executive Administrator shall be responsible for ensuring actions adopted by the Executive or membership are carried out by the appropriate officers of the Local.
13.17 Member Database	The Executive Administrator shall be responsible for maintaining the Local's membership database.
13.18 Return of Property	At the termination of their office (or an extended leave of absence), the Executive Administrator shall surrender to their successor, all books, papers, seals, documents and other Property of the Local.

14. Treasurer	
14.1 Accounts	The Treasurer is responsible to ensure the financial records of the Local are maintained and all deposits, expenditures and financial accounts are accurate and reported to the Executive and Members in a timely manner.
14.2 Co-signatory	The Treasurer shall be a co-signatory to all official documents of a financial nature, a co-signatory on the Treasury, and shall be bondable.
14.3 Receiving Dues	The Treasurer shall ensure a correct and proper count of its members by ensuring all dues, initiations, fees and fines are collected and deposited in the Local's financial institution.
14.4 Deposits	The Treasurer shall deposit all cash and cheques as necessary and maintain duplicate records of all deposits.
14.5 Disbursements	The Treasurer shall ensure all disbursements for the Local are made as provided for in Article B.4.4 of the Constitution of the Canadian Union of Public Employees.
14.6 Accounts	The Treasurer shall monitor all bank accounts and ensure there is no excess money in the chequing account except as is necessary to conduct business of the Local on a regular basis.
14.7 Investments	The Treasurer shall endeavor to invest excess funds in short term, easily accessible investments that yield a greater return providing the initial capital invested is guaranteed.
14.8 Bonding	The Treasurer shall ensure that all officers of the Local are bonded at the appropriate level in accordance with the CUPE constitution. The Treasurer shall be qualified for a bond as per Article B.3.5 of the National Constitution of the Canadian Union of Public Employees.
14.9 Reports	The Treasurer shall have financial reports available at monthly Executive Board meetings and shall have the books audited at least semi-annually by the Trustees.
14.10 Remittance	The Treasurer shall be responsible for remitting all financial obligations to the National Union in accordance with Article B.3.8 of the National Constitution.
14.11 Return of Property	At the end of their term of office (or an extended leave of absence), the Treasurer shall turn over to their successor, all properties and assets, including funds, books and records belonging to the Local.

14.12 Dues	The Treasurer shall receive all initiation fees, dues, assessments and fines from the members of the Local and shall deposit it in the name of the Local in such financial institutions as the Executive may direct.
14.13 Receipts	The Treasurer shall keep all receipts on file.
14.14 Accounts	The Treasurer shall not allow the cash in the current chequing account to exceed two hundred and fifty thousand dollars (\$250,000). All securities of the Local shall be deposited, for safekeeping, with one or more bankers, trust companies, credit unions, or other financial institutions to be selected by the Executive Board and approved by the membership.

15. Duties of Unit Vice-Presidents	
15.1 Unit Meetings	Each Unit Vice President, shall preside at all meetings related to their specific bargaining unit.
15.2 Unit Business	Each Unit Vice President, in conjunction with the President (or Vice President), shall manage any and all other business as may pertain to their office and which may be necessary for the proper functioning of their bargaining unit.
15.3 Unit Committees	Each Unit Vice President shall be an ex-officio member for all of the unit's Committees. They are to be notified of any Committee meetings held within their bargaining unit.
15.4 Grievance Committee	The Unit Vice President will serve as the Chair of their unit's Grievance Committee.
15.5 Return of Property	At the end of their term of office (or an extended leave of absence), the Unit VP's shall turn over to their successor, all properties and assets, including funds, books and records belonging to the Local.

16.	Union Stewards
16.1 Elections	<p>Election for Location Stewards shall take place in June, in even numbered years.</p> <p>The elections notice will be posted in April and will close in May. Stewards must provide written confirmation to the Chief Steward of their interest no later than the closing date as posted.</p> <p>In the event a position is unfilled or where vacancy occurs at any other time it shall be posted and filled by election.</p> <p>Stewards must be non-probationary employees.</p>
16.2 Election Policy	<p>Election of Location Stewards for the Bargaining Units shall occur according to following principle "that the maximum number of people can be able to participate in the process". Each Unit shall develop its own policy which will be kept in the Local's policy binder.</p>
16.3 Duties	<p>Steward's shall act as the Union's representative in the workplace, and shall ensure that;</p> <p>member issues are dealt with in a professional and timely manner, and grievances are filed where the employer fails to comply with the terms of the Collective Agreement, relevant policies or legislation.</p>
16.4 Grievances	<p>Steward's shall investigate and report on all grievances to the Grievance Chair.</p>
16.5 Stewards Meetings	<p>Stewards shall attend no less than three (3) steward events (monthly steward meetings or CUPE Steward Learning Series trainings) in each of the steward term (July to June of even years). Failure to attend 3 or more events without good and sufficient reason shall result in their stewardship being removed.</p>
16.6 Steward Training	<p>Within 12 months of a Steward's first term (July to June of even years) all Stewards are required to complete the CUPE Introduction to Steward training.</p> <p>Where a Steward fails to do so, their stewardship will be removed until the course is completed.</p>
16.7 Workplace Postings	<p>Stewards are responsible to post and monitor postings on all union boards in their own work location.</p> <p>Where a work location does not have a union board, the Steward will report this to the Chief Steward.</p> <p>Stewards will post a list of all Stewards in their location.</p>

<p>16.8 Out of Scope</p>	<p>Stewards taking a position outside of the scope of their Collective Agreement must inform the Chief Steward.</p> <p>Any member holding a Steward position, upon accepting duties which take them out of the scope of Local 5167 Collective Agreements shall be deemed to have immediately resigned from such union office or position for the duration of the term.</p>
<p>16.9 Temporary Vacancies</p>	<p>Stewards absent from work will report to the Chief Steward any workplace absence expected to last 60 days or longer.</p> <p>Temporary Vacancies expected to last in excess of 60 days will be posted in the workplace and the temporary Steward will remain until the absent Steward returns or until steward elections.</p>

<p>17. Trustees</p>	
<p>17.1 Election</p>	<p>There shall be three Trustees for the Local.</p> <p>Trustees shall be elected for a three-year term in such a manner that the office of one trustee shall be up for election each year. Nominations to be held in April, to be elected at the May membership meeting.</p>
<p>17.2 Vacancy</p>	<p>In the case of a vacancy occurring, a Trustee shall be elected to fill the unexpired term.</p>
<p>17.3 Duties</p>	<p>The duties of the Trustee shall be as defined by Article B.3.10 to B.3.12 of the Canadian Union of Public Employees Constitution.</p>
<p>17.4 Finance Committee</p>	<p>The third year trustee shall be a member of the Finance Committee. (Rotated each year in June)</p>

18. Sergeant-At-Arms	
18.1 Election	Two Sergeants-at-Arms shall be elected at the May Membership meeting in even numbered years. Nominations to take place in April.
18.2 Entrance to Meetings	<p>Sergeants-At-Arms shall take up their position at the inner door of the meeting place and allow only Members in good standing, Officers and Officials of CUPE to enter.</p> <p>Sergeants-At-Arms shall, where required, enforce the showing of Union cards or other identification at the door.</p> <p>All guest will be announced to the President who will obtain the permission of the Membership to allow them to enter.</p>
18.3 Orderly Meeting	Sergeants-At-Arms shall assist the President or chair at all times in conducting a proper and orderly meeting. They shall expel any person from the meeting when so directed by the President or Chairperson of the meeting.
18.4 Union Property	Sergeants-at-Arms shall be empowered, when requested by the incoming Officer, to contact the outgoing Executive Officer and recover any Union property.
18.5 Sign-In Log	Sergeants-at-Arms shall maintain the sign-in log for all Membership meetings and deliver the log to the Executive Administrator at the end of the meeting.

19. Accountability and Recall	
19.1 Allegation	All representatives of the union elected by the membership shall be held to standards of accountability and performance that are acceptable to the membership. In the event there is an allegation that an elected representative is not performing their duties in a fashion consistent with acceptable standards the following process may be invoked.
19.2 Petition	A petition representing 50% + 1 of the electors shall be presented to the presiding officer of the local union. In the event that the presiding officer is the subject of the petition another table officer of the local shall be designated as the presiding officer for the purpose of this procedure.
19.3 Appointing a Recall Panel	On receipt of the said petition in (19.2) above, the presiding officer shall immediately appoint a panel comprised of themselves as chair, one member of the local union executive, and one member at large. This panel shall be called the Recall Panel.

19.4 Representation	The Recall Panel shall then call a meeting at which (2) two members representing the petitioners, the accused and their representative shall be in attendance.
19.5 Opportunity to Respond	The Recall Panel shall hear the concerns of the petitioners and the accused shall be given the opportunity to respond to any allegations raised by the petitioners.
19.6 Failure to Attend	If the Petitioners and/or the Accused do not appear at the hearing described in 19.5 above, the Recall Panel may proceed to hear such evidence as may be available.
19.7 Written Report	After hearing the parties' evidence, the Recall Panel shall then prepare a written report and recommendations as to the course of action (if any) that should be taken to resolve any problems identified.
19.8 Presentation to Membership	The report and its recommendations shall be presented at the next regularly scheduled general membership meeting. The members may decide by vote to implement the recommendations in whole or in part or may decide to dismiss the matter.

20. Union Dues	
20.1 Dues Check-Off	A payroll check-off is compulsory for all employees covered by the Local's Collective Agreements. The information contained on the payroll check-off shall prevail where questions arise.
20.2 Arrears and Reinstatement	<p>Any member in arrears for a period of three (3) months shall be suspended and shall be reported to the Executive Board by the Treasurer.</p> <p>Any member under suspension wishing to be reinstated shall upon application pay a reinstatement fee of \$2.00, plus any dues and assessments in arrears.</p> <p>This money will be returned if application for reinstatement is refused. If a member has been unemployed or unable to work because of sickness, such member shall not be required to pay arrears of dues or the reinstatement fee.</p>
20.3 Dues	The dues shall be established by a majority vote of the membership present at a General Membership Meeting, provided that a Notice of Motion of such resolution was duly registered as per these Bylaws.

20.4 Per Capita Increases	Notwithstanding the previous article, should the per capita amount payable to the National Union or any affiliate be increased, the dues of every member shall be automatically increased by the same amount.
20.5 Regular Earnings	CUPE Local 5167 will deduct union dues from all members on their gross regular earnings only.

<h2>21. Membership Meetings</h2>	
21.1 Order of Business	<p>Order of Business:</p> <ul style="list-style-type: none"> i. Call to order ii. Minute of Silence for Workers Killed or Injured on the Job iii. Role Call of Officers iv. Equality Statement v. Applications for Membership vi. Presentation of the Minutes vii. Business Arising from the Minutes viii. Financial Report ix. Correspondence for Discussion x. Correspondence for Information xi. Reports of Officers xii. Reports of Committees and Delegates xiii. Nominations and Elections xiv. Unfinished Business xv. New Business xvi. Good and Welfare xvii. Adjournment
21.2 Voting	All issues shall be decided by a majority vote except where 2/3 majority is required. A secret ballot shall be held at the request of a member, provided that a majority of the members present agree.
21.3 Suspending The Order	The regular order of business shall only be suspended after the roll call of officers and for good and specific reasons. Such suspension must be supported by a simple majority of members present.
21.4 Quorum	A quorum for the membership meeting shall be eighteen (18) members, one (1) Table Officer and one (1) Executive Board member, for a total of twenty (20) people.
21.5 Meeting Notice	Members will be notified of Membership Meetings by posting on workplace notice boards.

22. Unit Meetings	
22.1 Calling of a Unit Meeting	Unit Meetings may be called by the Unit Vice-President and/or the President.
22.2 Unit Meeting Petition	A Unit Meeting may be called by the members of the unit provided a petition, signed by ten percent of the members of that unit or 25 members (whichever is less), is submitted to the Executive Administrator. The petition must include the agenda for the meeting.
22.3 Notice	Forty-eight (48) hours' notice of the meeting must be given by posting a notice in the workplace. The posting must include the purpose of the meeting.
22.4 Purpose of the Meeting	The transaction of business at a Unit Meeting is restricted to business relating to the purpose of the meeting. Unit meetings cannot pass motions that bind the Local Union unless the General Membership Meeting subsequently ratifies the motion.
22.5 Quorum	A quorum for Unit Meetings shall be, ten percent of the members of the unit or eighteen (18) members, whichever is less.
22.6 Ratification	Where it is the intention of the meeting to ratify or otherwise approve a document, memorandum, or letter of agreement, at the above noted meeting, the said document, shall be made available through the union in advance of the meeting.
22.7 Individual Units	Note: It is understood that the following workgroups may also function as individual units from time to time and can convene meetings of their specific workgroup membership following the criteria outlined in Section 22. <ul style="list-style-type: none"> • City Inside and outside workgroups • Macassa and Wentworth Lodge • DARTS inside and drivers workgroups

23. Special General Membership Meetings	
23.1 Calling of a Special General Membership Meeting	Special General Membership Meetings may be called at any time by the Executive Board, or by a petition signed by twenty-five (25) members. Forty-eight (48) hours notice must be given to members affected by posting a notice in the workplace. The posting must include the purpose of a meeting.

23.2 Reasons in Writing	Reasons for calling a Special General Membership Meeting, and the members to be notified, shall be submitted, in writing, to the Executive Administrator.
23.3 Scope	No policy decisions shall be taken at Special General Membership Meetings if it is outside the scope of the purpose for which the meeting was called.
23.4 Quorum	A quorum for Special General Membership Meetings shall be twenty-five (25) members, including one Table Officer and four (4) Executive Board members. The transaction of business at a Special General Membership Meeting is restricted to business relating to the purpose of the meeting.
23.5 Ratification	Where it is the intention of the meeting to ratify or otherwise approve a document, memorandum, or letter of agreement, at the above noted meeting, the said document, memorandum or letter of agreement shall be made available at the union office five (5) working days in advance of the meeting.

24. Rules of Order	
24.1 Parliamentary Procedure	Rules of debate and parliamentary procedure, as defined in the C.U.P.E. booklet Parliamentary Procedure, and Bourinot's Rules of Order, shall govern debate, except as herein otherwise noted.
24.2 Divided Question	At the request of any member, and with the approval of a simple majority of those present, a question may be divided.
24.3 Adhere to the Question	Every member, while speaking, shall adhere to the question under debate, avoid making personal references, refrain from offensive language, as well as any negative reflection on the Local or any member thereof.
24.4 Speakers	No member, except the Chairperson of a Committee or the mover and seconder of a resolution, shall speak more than once on the same question until all who wish to speak have had an opportunity to do so.
24.5 Voting	The Presiding Officer shall have the same rights as other members to vote on any question. In case of a tie, they may cast a deciding vote or, if they choose, refrain from voting, in which case the motion does not prevail, and the decision is in the negative.
24.6 Tiling the Doors	No member shall enter or leave a meeting while ballots are on the floor or are being cast.

25. Defence Fund	
25.1 Defence Fund Use	CUPE 5167 will have a Defense Fund to be used to defend its members during contract negotiations, arbitrations or from any other attack on the Local's members or their jobs. This also includes (but is not limited to) advertising campaigns.
25.2 Levy	The Defense fund will be funded by a levy of \$2.00 per week from all members including students.
25.3 Income Support	The Defense Fund will provide income support for its members during a strike or lockout as per the Strike Policy.
25.4 Accounts and Signatory	The Defense Fund moneys shall be held in a separate account and shall require the signatures of two of the following: President, Vice President, Treasurer and Executive Administrator for any transfers, payments or withdrawals.
25.5 Reporting	The Treasurer shall report the updated status of the Fund to the members every 3 months.
25.6 Earnings	Earnings from interest or investments originating from the Defense Fund will accrue in the Defense Fund.

26. Voting of Funds	
26.1 Expense Approval	Expenses or payments in excess of \$1000.00 for services, items or donations will be presented to and approved by the membership. This does not include ordinary operating expenses, items covered in the approved budget, regular bills, and emergency repairs/replacements.

27. Eligibility to Hold Office	
27.1 Eligibility for Nomination	Members seeking nomination to office must have been members of the Local for at least one (1) year.
27.2 Holding More Than One Office	For the purposes of the elections referred to in Article 30, no member shall hold more, nor contest more, than (1) Executive office.
27.3 Eligibility to run for President	<p>No member shall be eligible to run for President unless the member has been a member in good standing for at least one (1) year and has attended at least 5 membership meetings held in the twelve (12) month period before nominations.</p> <p>The attendance records via the membership meeting sign in sheets shall be conclusive as to attendance. A member who is unable to attend any meetings may be excused if they notify the local office, in writing, or by email (to the CUPE 5167 office) within 48 hours of the monthly scheduled membership meeting. A member who has been excused shall be deemed present for the purpose of determining eligibility under this article.</p>
27.4 Calling for Nominations	<p>A member seeking nomination to a position that is not specific to a bargaining unit (e.g. table officers, trustees, election committee) shall be present when nominations are called, or file a notice of consent.</p> <p>The notice of consent shall be in writing, bearing their name as a nominee and the name of another member as witness. Such notice must be in the hands of the Executive Administrator 2 hours prior to the start of the meeting where nominations take place. The absent nominee must also be nominated by a member in good standing at the nominations meeting.</p>
27.5 Nominator	For all bargaining unit specific positions (e.g. Unit VP, bargaining unit specific committees representative) the nominator must be from the same bargaining unit.
27.6 Out of Scope	Any member of Local 5167 who takes a temporary or full time position, outside the scope of Local 5167 collective agreements, shall be excluded from running for as an elected position of the union so long as they maintain that position. It is understood that any member who accepts a temporary or full time position with a recognized union affiliate shall not be subject to the terms of this Article.

28.	Nominations
28.1 Nomination Schedule	<p>Elections for table officers shall be held as per the election schedule in article (29.1). Nomination to be held at the April General Membership as follows:</p> <p style="text-align: center;">April 2014 (2 years) April 2016 (3 years) April 2019 (2 years) And then biennially in April in odd numbered years.</p>
28.2 Information Package	<p>All Candidates will receive a package of information from the Elections Committee. The package will contain the ByLaws, CUPE Constitution, Equality Statement and any additional information as determined by the election committee.</p>
28.3 Unit Policy	<p>Nominations and elections for Bargaining Unit/Vice Presidents shall occur according to the following principle "that the maximum number of people can be able to participate in the process". This must occur between April and June in election years as per article 27.1. Each Unit shall develop its own nomination and election practices including the dates and location. This Policy will be kept in the Local's policy binder.</p>
28.4 Trustee Nomination	<p>Nominations for Trustee(s) shall be conducted annually at the April General Membership meeting. The election for Trustees shall be held at the May Membership Meeting as per article 17.1.</p>
28.5 Notice of Nominations	<p>Notice of nominations shall be posted in all workplaces at least one month prior to the nomination as per article 27.1.</p>
28.6 Plurality Voting	<p>All table officers and Executive members of the Local shall be elected by referendum voting so arranged as to provide for all members in good standing to participate in the elections and in accordance with these by laws. The officers and Executive Board shall be elected by plurality vote and not simple majority.</p>

29. Campaigning	
29.1 Candidate Use of Local Resources	<p>No member seeking election or re-election to an Executive Board position shall use any of the following for campaign purposes;</p> <ul style="list-style-type: none"> a) Any of the union's computers, b) An official CUPE 5167 email account, c) Any CUPE 5167 member email and/or telephone lists, d) Any official CUPE 5167 media accounts such as the website, Facebook, twitter, etc. <p>Any member that abuses this access shall be immediately disqualified from running in the election or re-election.</p>
29.2 Campaign Material Approval	<p>All campaign material (such as posters, flyers, website content, etc.) must be submitted to the Election committee within two weeks of the nomination for approval by the election committee prior to distribution or posting. Any items not initially approved must be submitted to the committee and approved prior to distribution/sharing.</p>
29.3 Posters	<p>Any candidate seeking election to the Executive Board may request to have their posters printed in black ink by the union. The candidate shall be provided with a list of available paper colours to choose from. Candidates may also opt to purchase their own paper or print at their own expense.</p> <p>A candidate who has their poster printed outside of CUPE 5167 will be responsible for all costs. All candidates are responsible for preparing their own art work and text for posters.</p> <p>Any candidate who has their posters printed at a location other than the union office, must conform to all union standards and time lines as set out by the election committee.</p>
29.4 Social Media	<p>All candidates using campaign material or campaigning using social media must follow all rules as laid out by the election committee. Postings are to be respectful and follow the CUPE Equality Statement. Candidates posting offensive material will be asked to alter or remove the offending material.</p>
29.5 Media Interviews	<p>Media – candidates for President contacted by the media for an interview shall set up the interview at a neutral location and not at any voting stations nor at the union hall.</p>
29.6 Campaigning on Union Leave Time	<p>Each candidate has the right to campaign. When the candidate is on a union paid leave, they will have their wage adjusted accordingly.</p> <p>These candidates shall be allowed to use available vacation time or lieu time to compensate for the unpaid time. Each candidate will report their time off, vacation and lieu entitlement (and balances) to the election committee and President.</p>

30. Election of Officers	
30.1 Election Schedule	<p>All Officers of the Local shall be elected on the following schedule:</p> <p style="text-align: center;">June 2014 (2 years) June 2016 (3 years) June 2019 (2 years) And then biennially in June in odd numbered years.</p>
30.2 Election Dates	The elections shall be held in the month of June and completed no later than June 15th.
30.3 Eligible Voting Members	Eligible voting members shall be those who are members on or before the night of the nomination of officers.
30.4 Election Committee Role	<p>The Election Committee shall be responsible for conducting all aspects of the biennial election related to an executive board position (table officers and Unit VP's).</p> <p>The election committee shall also be responsible for any votes taking place between the time of nominations in May and the close of June elections.</p>

31. Biennial Election Procedure	
31.1 Polling Dates and Locations	<p>Elections shall be held between May 15th and 31st in an election year. Polling dates and locations will be determined by the Elections Committee and reported to the membership at the February GMM. Polling dates and locations must adhere to the following:</p> <ul style="list-style-type: none"> a) Polling must take place over two (2) calendar weeks b) Polling stations must be located at the Local office and locations downtown, on the Mountain, in Dundas and in Stoney Creek
31.2 Securing Ballots	After each day's polls are closed, the Returning Officer and National Staff Representative shall return to the union office to secure the ballot boxes.
31.3 Counting Ballots	On the third day, the Election Committee will count the ballots at the union office, by counting each day's ballot boxes and provide the ballot count for each position being elected.

<p>31.4 Scrutinizers</p>	<p>Each candidate shall have the right to request a scrutinizer. The role of the scrutinizer is to observe the ballots being counted for their candidate. The scrutinizer will be privy to the final tally of all the candidates for that position. They will not have the right to observe any other ballot counting for candidates for other positions.</p>								
<p>31.5 Balloting Procedures</p>	<p>Balloting procedures shall be as per Election Policy.</p>								
<p>31.6 Ballots</p>	<p>The Election Committee shall be responsible for the form and layout of the ballots, and having an adequate supply of the ballots or ballot packages. The Election Committee shall entrust these to the Returning Officers of the Election Committee, together with the total number of ballot packages required.</p> <p>The Elections committee shall put all requests for administrative assistance in writing to the National Staff Representative for delivery to the CUPE Local 5167 office staff.</p>								
<p>31.7 Sample Ballot</p>	<p>Example Ballot:</p> <table border="1" data-bbox="537 905 1289 1146"> <tr> <td colspan="2" style="text-align: center;">PRESIDENT: One to be elected</td> </tr> <tr> <td>BROWN, Robert</td> <td></td> </tr> <tr> <td>SMITH, Samuel</td> <td style="text-align: center;">X</td> </tr> <tr> <td>JONES, Janet</td> <td></td> </tr> </table>	PRESIDENT: One to be elected		BROWN, Robert		SMITH, Samuel	X	JONES, Janet	
PRESIDENT: One to be elected									
BROWN, Robert									
SMITH, Samuel	X								
JONES, Janet									
<p>31.8 List of Eligible Voters</p>	<p>The Executive Administrator shall be responsible for supplying to the Election Committee a list of the eligible voting members of the Local, separated by Bargaining Unit.</p>								
<p>31.9 Plurality of Votes</p>	<p>Election to office shall be by a plurality of the votes counted (candidate with the most votes wins).</p>								
<p>31.10 Committee Report</p>	<p>A final report will be presented at a subsequent General Membership Meeting.</p> <p>The Election committee report shall include (but not be limited to); the number of ballots cast, the number of voters from each unit, the number of segregated ballots, total segregated ballots unresolved (or withheld), total spoiled ballots, total voters at each location.</p> <p>After the report is presented to the membership, the information will be posted on the website.</p>								

<p>31.11 Candidates Results</p>	<p>At the time of results notification, individual candidates may request the total number of votes they received as well as the count for the other candidates running for the same position. They may also request the total of all spoiled ballots.</p>
<p>31.12 Recounts</p>	<p>A candidate for office may appeal for a recount of the ballots for that office. Or the membership meeting itself without an appeal, may order a recount of any or all elections. In either instance, it shall require a majority vote of members present at the June membership meeting to vote in favour of such a recount.</p> <p>Any complaint regarding the election process shall be submitted to the Election Committee no less than 72 hours prior to the start of the June Membership Meeting.</p>

<p>32. Installation of Officers</p>	
<p>32.1 Installation of Officers</p>	<p>Elected officers shall be installed at the membership meeting at which the results are declared, or as immediately thereafter as possible. Elected Officers shall continue in office until such time a successor has been duly elected and installed.</p>

33. By-Elections	
33.1 Vacant Office	Should an office fall vacant pursuant to these Bylaws, or for any other reason, a by-election shall be conducted to fill the vacancy.
33.2 By-Election Committee	The Election Committee shall put forth 1 (one) returning officer and 1 (one) Committee member for By-election day. The Poll shall be open 10 (ten) a.m. to 7 (seven) p.m. at the Local's office.
33.3 Notice of Vacancy – Table Officers	<p>Notice of vacancies for Table Officers will be circulated to the membership once the Local has been notified the vacancy will be for a period of one (1) month or longer.</p> <p>The election vote will be conducted at the membership meeting following the nomination meeting. In the interim the Executive Board will appoint a replacement.</p>
33.4 Notice of Vacancy – Unit Vice Presidents	<p>Notice of vacancies for Unit Vice Presidents will be circulated to the affected Unit's membership once the Local has been notified the vacancy will be for a period of one month or longer.</p> <p>The by-elections to fill the vacancy shall occur as soon as it is feasible and shall follow the guidelines established in Article 31. In the interim the Executive Board will appoint a replacement.</p>

34. Delegates to Conventions and Conferences	
34.1 Call to Convention and Conferences	At the General Membership Meeting following receipt of the call to conventions and conferences the Executive Board shall give notice to the floor as to the number of delegates the Local Union has budgeted to send to represent the Union at such Conventions and Conferences. Nominations and Elections of Candidates shall be held at subsequent meeting.
34.2 Attendee's	<p>Except as provided for in the Duties of President, the Executive Board shall make recommendations to the membership regarding attendees' to conferences and conventions. If the Executive Board's recommendations are rejected, the membership shall nominate and elect the required number of attendees.</p> <p>Except as provided for in the Duties of the President, all delegates to conference and convention shall be chosen by election by the membership.</p>
34.3 Automatic Delegate	Any member who holds office for an affiliate of this Local, shall automatically attend the conference or convention of the affiliate as a full delegate of this Local.
34.4 Good Standing	Delegates to Conferences and Conventions shall be members in good standing.
34.5 Written Report	Delegates to Conferences and Conventions are required to submit a written report to the Executive Board, summarizing their experience and sharing information of interest to the membership.

35. Committees	
35.1 Out of Pocket	Executive Members will not receive out of pocket expenses for participating in any committees they are required to be on as per these By Laws.
35.2 Nomination and Election	Members of the following committees other than those members who serve by virtue of their election to the office shall be nominated at the September membership meeting and elected at the October membership meeting following the election of the Officers.

<p>35.3 Vacancy</p>	<p>When no member from a Bargaining/Workgroup comes forward for election, the vacancy(ies) is to be circulated to the affected unit. Nominations and elections will be held at the next membership or Unit meeting after proper notice has been given. Where the vacancy still exists, the vacancy will be posted and circulated to the general membership with nominations and elections being held at the next membership meeting.</p> <p>Committee Members absent from work will report to the Committee Chair any workplace absence expected to last 60 days or longer.</p> <p>Temporary Vacancies expected to last in excess of 60 days will be posted in the Unit’s workplace and the temporary Committee Member will remain until the absent Member returns or until Committee elections.</p> <p>Any Committee member upon accepting duties which take them out of the scope of Local 5167 Collective Agreements, shall be deemed to have immediately resigned from such committee position for the duration of the term.</p>
<p>35.4 Grievance Committee</p>	<p>Grievance Committee’s shall be set up in accordance with the provision of the Collective Agreements. The President or designate and Unit Vice-President, will be members of the Unit Grievance Committee.</p>
<p>35.5 Finance Committee</p>	<ul style="list-style-type: none"> a) The Finance Committee shall consist of the Treasurer, the Third Vice-President, Executive Administrator, the third year Trustee, and one member from the general membership elect as per Article 35.2. The Treasurer shall chair the Committee. b) The Committee shall be responsible for drawing up a yearly budget to be presented to and approved by the Executive Board and membership. The budgeting process should be completed annually and presented at the November membership meeting. The Committee shall make recommendations on budget variances if required. Variances must be presented to the Executive Board and membership for approval. c) The Finance Committee to review any financial matter referred by the President, Membership, Treasurer or Executive Board.

<p>35.6 Political Action Committee</p>	<ul style="list-style-type: none"> a) The Committee shall be made up of one member from each bargaining unit/workgroup, duly elected by the membership of that unit. The Fourth Vice-President, or their designate, shall chair the Committee. b) This Committee shall be responsible to educate and inform the members on political issues, including municipal, provincial, and federal elections. c) This Committee shall be responsible for coordinating all mobilization and campaigns for the Local. d) This Committee shall endeavor to educate members of the public, on the important role the Local 5167's membership plays within the Community providing quality cost effective services.
<p>35.7 Health and Safety Committee</p>	<ul style="list-style-type: none"> a) The Union Health and Safety Committee shall consist of one workplace Health and Safety committee member from each bargaining unit/workgroup, duly elected by the membership of that unit/workgroup. The Second Vice-President, or their designate, shall chair the Committee. b) The Health and Safety Committee shall review and make recommendations related to education on Health and Safety matters for the Local in consultation with the Third-Vice President. c) The Health and Safety Committee shall review minutes and reports and make recommendations to assist Joint Health and Safety Committees in the workplace(s) to support their role. d) The Health and Safety Committee shall coordinate the Local's activities for the Day of Mourning.

<p>35.8 Equity Committee</p>	<ul style="list-style-type: none"> a) The Equity Committee shall consist of one member from each bargaining unit / workgroup, duly elected by the membership of that unit / workgroup. The Equity Vice President, or their designate, shall chair the Committee. b) The Committee will be responsible for all issues regarding discrimination and human rights in relation to 5167 members in the workplace as well as in support of members of our community.
<p>35.9 Education Committee</p>	<ul style="list-style-type: none"> a) The education committee shall consist of the Vice-Presidents of each bargaining unit or workgroup, or their designate and two members elected from the general membership. The Third Vice-President or their designate shall chair the committee. b) The committee shall be responsible for reviewing all aspects of membership education related to in-house and external union education opportunities. c) The committee shall keep review training opportunities; review all requests for training; and promote training opportunities and requests; d) The committee will make recommendations to the executive and membership regarding training opportunities and requests; e) The committee will maintain a current record of who has had training in what courses on what dates. f) The committee is responsible for approving or denying all requests.

<p>35.10 Communications Committee</p>	<ul style="list-style-type: none"> a) The communications committee shall consist of one member from each bargaining unit or workgroup elected at large within the unit or workgroup. The Executive Administrator or their designate shall chair the committee. b) The committee shall be responsible for coordinating the local newsletter including development, production, promotion and circulation. c) The committee shall provide support and recommendations related to the local's web site.
<p>35.11 By-Law Committee</p>	<ul style="list-style-type: none"> a) The by-law committee shall consist of the Unit Vice-Presidents of each bargaining unit or workgroup. The Executive Administrator shall chair the committee. b) The committee shall be responsible for coordinating all aspects related to maintaining the locals by-laws in a complete and accurate form as per the direction and ratification by the membership in accordance with Article 35 of these by-laws. c) The committee shall review the bylaws as needed and at least once annually.

35.12
Election
Committee

a) The Election Committee shall be comprised of two (2) returning officers and five (5) committee members plus two alternates for the daily polling station for the two (2) day voting process. The Election Committee shall include members of the local who are neither officers or candidates for office. The Election Committee shall be elected from the floor at the January monthly general membership prior to the elections. The votes shall be weighed in order to ensure that the Election Committee shall be comprised of at least one member from each of the six bargaining units unless there are no nominees from one or more bargaining units. All remaining Election Committee positions shall be filled by the remaining nominees who receive the most votes.

b) The Election Committee shall have full power over the election procedure. Further it shall investigate any complaints under Article 29 and any other complaints and report its findings with recommendations to the next membership meeting. An email account shall be set up for the Election Committee for their exclusive use immediately after their election and all nominees and members will be advised to submit all complaints or questions to the email account. If a member or nominee submits a complaint in writing instead of email, they shall deliver either to the union office or via National Representatives in a sealed envelope and that sealed envelope will be delivered to the Election Committee. All complaints regarding the election process must be from the individual who raises the complaint. Further, the Election Committee shall be provided with a petty cash amount to cover all meals and refreshments for each day of voting.

36. Ratification Voting Procedure	
NOTE: The following provisions apply to the affected bargaining unit provided a strike or lockout <u>is not in effect.</u>	
36.1 Secret Ballot	Ratification procedures shall comply with the Ontario Labour Relations Act that requires all ratification votes to be conducted by secret ballot. A minimum of 48 hours shall be allotted to review the contents of the Memorandum of Agreement.
36.2 Advance Notice	Advance notice of the information meeting for the members shall be given at least 48 hours prior to the meeting. Notices shall be posted in the workplace on the Union bulletin board.
36.3 Review with Stewards	The Negotiating Committee shall, where possible, review the Memorandum of Agreement with the Executive Board and the stewards of the unit prior to the information meeting.
36.4 Hard Copies	Hard copies of the amendments or amendment summaries to the collective agreement will be distributed at the information meeting for the members and will be made available at the union office after the information meeting.
36.5 Voting	Voting on the contract shall take place at least 48 hours after the information meeting for the members. Voting shall be in accordance with the Appendix on voting guidelines. All contract amendments shall be ratified by a simple majority (50% + 1).
36.6 Balloting Committee	The President shall appoint the balloting committee consisting of members selected from the Election Committee, Executive Board members or Members from other Units not affected. They shall conduct the ratification vote.
36.7 Results	Results of the ratification vote shall be given to the Unit Vice President and President. The President will inform the membership of the results by a special bulletin within 24 hours of the conclusion of the voting.
NOTE: The following provisions apply to the affected bargaining unit <u>if there is a strike or lockout in progress.</u>	
36.8 Secret Ballot	Ratification procedures shall comply with the Ontario Labour Relations Act that requires all ratification votes to be conducted by secret ballot.

<p>36.9 Advance Notice</p>	<p>Advance notice of the information meeting for the members shall be given at least 24 hours prior to the meeting.</p> <p>Notice of the meeting shall be provided through an official picket line bulletin authored by the bargaining committee and distributed through the picket captains. Where there is no practical way to directly notify the unit members a special notice may be posted in the Hamilton Spectator.</p>
<p>36.10 Hard Copies</p>	<p>Hard copies of the amendments or amendment summaries to the collective agreement will be distributed and explained in detail at the information meeting for the members.</p>
<p>36.11 Voting</p>	<p>Voting on the proposed contract shall take place at the conclusion of the information meeting for the members.</p>
<p>36.12 Balloting Committee</p>	<p>The President shall appoint the balloting committee, consisting of members from either the Election Committee, Executive Board members or Members from other Units not affected. They shall conduct and oversee the ratification vote.</p>
<p>36.13 Results</p>	<p>The outcome of the decision shall be determined by simple majority (50% + 1) of the ballots cast. The results of the ratification vote shall be given to the President who will inform the membership of the outcome both verbally on conclusion of the count and by special bulletin within 24 hours of the meeting.</p>

<p>37. Strike Votes</p>	
<p>37.1 Information Meeting</p>	<p>An information meeting for members shall be held prior to the taking of any strike vote. Advance notice of the information meeting for the members shall be given at least 48 hours prior to the meeting. Notices shall be posted in the workplace on the union bulletin board.</p>
<p>37.2 Voting</p>	<p>Voting on strike action shall take place at least 36 hours after the information meeting for the members.</p> <p>Voting shall be in accordance with the Appendix on voting guidelines.</p> <p>A simple majority (50% + 1) of the ballots cast shall constitute approval of strike action.</p>

38. Amendments to the By-Laws	
38.1 Amendments	These By-laws shall not be altered, suspended, or amended unless a Notice of Motion has been duly registered, and shall require a two-thirds (2/3)-majority vote of the members present at a membership meeting.
38.2 Effective Date	Amendments or additions to these By-laws shall become effective after approval as per the Constitution of the Canadian Union of Public Employees.
38.3 Notice of Motion	<p>A Notice of Motion specifying the proposed amendment(s) shall be read, but not debated at the Membership Meeting preceding the meeting at which said amendment(s) will be dealt with.</p> <p>The Notice of Motion shall be in writing with the signature of both the mover and seconder and shall be delivered into the hands of the Executive Administrator.</p>
38.4 Review	After the Notice of Motion has been read as per 38.3 it shall be submitted to the By-law Committee for its review and recommendation. The committee shall consult with the mover and seconder of the Notice of Motion in order to develop the best language possible and to address the motion in a timely manner. The said amendment(s) and the recommendations of the committee shall then be posted on the Union Notice Boards in the work locations.

39. Dissolution	
39.1 Continued Existence	The Local shall not be dissolved while there are twelve (12) members, in good standing, who desire to continue its existence.
39.2 Funds	The funds of the Local shall not be divided among individual members, and shall be utilized for valid union purposes.
39.3 Dissolution	Upon dissolution of the Local, all its properties and assets, including books, records and funds remaining in the Treasury after all legitimate debts have been paid, shall become the property of the Canadian Union of Public Employees. This does not include funds set up by the Local for pensions, superannuation or purposes outside the general routine business of the Local.

APPENDIX A - CONFIDENTIALITY AGREEMENT

CUPE Local 5167

I _____, promise to respect and preserve confidentiality in all matters related to the business of CUPE Local 5167. This includes any and all information relating to all the Employers' departments and agencies, employees, as listed in CUPE 5167 Operating By-Laws, article 1.1, all members, their families and retirees, members and employees of Local 5167 past and present. I acknowledge and understand that CUPE Local 5167 is subject to the provisions of the Freedom of Information and Protection of Privacy Act (FIPPA).

I will not divulge any personal information relayed to me, or to which I may have access, to anyone within or outside of CUPE Local 5167 except in circumstances where there is a legitimate business purpose being served or I am compelled by law to do so. I will not access any information for any purpose other than for those activities legitimately arising out of my job responsibilities. I will not access, permit access to or share information for my own purposes or purposes unrelated to CUPE Local 5167's legitimate business, for any reason, except as may be required by law.

I recognize that it is necessary and appropriate to divulge information in some circumstances. I will consult with the President/Executive Administrator for direction prior to the release of such information. And, before personal information is divulged, I will ensure, where required by law, that the person is advised that this information may be divulged and/or that his/her permission is sought.

If I have any questions related to confidentiality, appropriate access to and/or use of CUPE Local 5167 records and information or the application of FIPPA, I agree to consult the Local's President or Executive Administrator for assistance.

I understand that failure to abide by this agreement may result in further action, and further violations of the CUPE National Constitution.

I acknowledge receipt of a copy of this agreement.

Signature

Witness Signature

Printed Name

Printed Name

Date

Date

Office Use ONLY:	Union Copy <input type="checkbox"/>	Signatory Copy <input type="checkbox"/>
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