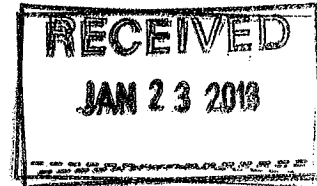


January 11, 2013



Dave Stevenson  
National Representative  
Saskatchewan Regional Office

Dear Brother Stevenson:

I am writing in response to your letter of November 15, 2012, with which you submitted for approval proposed bylaws for Local 5512.

The bylaws have been reviewed and, for the most part, found in conformity with the National Constitution. They will serve the members well as a guide to the day-to-day operations of the local union.

I do, however, have certain comments to make that will require amendment in order to ensure conformity.

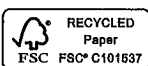
## Code of Conduct

We have reviewed the best approach to be followed by subordinate bodies of CUPE when dealing with complaints and inappropriate behavior at events organized within their own structure similar to the Code of Conduct adopted by CUPE National. Attached please find a Code of Conduct which more appropriately applies to local unions.

## SECTION 5 – VOTING OF FUNDS

In the case of a grant or a contribution to a member(s) or a cause(s) outside of CUPE greater than \$100, a notice of motion must be made at a regular membership meeting and then approved at the following regular membership meeting before the grant or contribution can be paid out. An amendment will be required.

.../2



## SECTION 8 – DUTIES OF OFFICERS

### ✓ c) Recording Secretary

(i) Article B.3.3 of the National Constitution requires that the Recording Secretary include a copy of the full financial written report presented by the Secretary-Treasurer with the record of all membership meetings. May I suggest the following wording:

*“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 Trustee reports.”*

### ✓ d) Secretary-Treasurer

Article B.4.4 of the National Constitution requires that *“All other expenditures must be paid by cheque signed by the Secretary-Treasurer and the President or another signing officer.”* A small amendment to include this provision under the duties of the Secretary-Treasurer will be needed. May I suggest the following wording:

*“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.”*

### ✓ e) Trustees

Article B.3.12 requires that trustees must 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.

This duty should also be included in the bylaws.

## SECTION 9 – OUT-OF-POCKET EXPENSES

- ✓ b) Daily Per Diem - I note that Local 5512 has not established an amount for its in-town per diem. The local will want to review this.

## General

At the 2011 National Convention, delegates adopted a new clear language document and clarified the sequence and order of provisions found under Appendix "B". As a result, references to certain Articles of the National Constitution have been changed.

When Local 5512 next reviews its bylaws, it will want to update any references to Articles as appropriate. Updating of Article numbering does not necessitate membership approval as it does not change the wording, content or intent of provisions. They follow:


- ✓ Page 7 – Section 4 e) – Article B.VIII is now Article B.VI;
- ✓ Page 9 – Section 7 f) – Articles B.6.1 to B.6.7 are now Articles B.11.1 to B.11.5;
- ✓ Page 14 – Section 10 a) – Article B.10.2 is now Article B.8.2;
- ✓ Page 17 – Section 11 c)(ii) – Article B.3.10 is now Article B.2.4; and
- ✓ Page 20 – Section 16 a) b) and c) – Article B.7.1 is now Article B.5.1.

As well, various references to other sections in Local 5512's own bylaws must be corrected. They are:

- ✓ Page 14 – Section 10 b) – Section 15 should read Section 16;
- ✓ Page 20 – Section 16 a) – Appendix "D" should read "Appendix "B" and Article 12.3 should
- ✓ read Article 13.3; and
- ✓ Page 20 – Section 16 c) – Article 12.3 should read Article 13.3.

With the exception of these remaining issues on which I look forward to hearing from you again, the bylaws are in compliance with the National Constitution and I am therefore pleased to confirm my approval of them in accordance with the provisions of Article XIII.

In solidarity,



PAUL MOIST  
National President

cc. A. Kagis; T. Mula, President, Local 5512

Encls.

:cf/cope 491

## CODE OF CONDUCT

Local \_\_\_\_\_ is committed to ensuring that all of its meetings and activities are safe environments where members are encouraged to speak. Existing members are encouraged to welcome, mentor and support new members and equity-seeking members.

Local \_\_\_\_\_ strives to promote 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.

Local \_\_\_\_\_ is committed to creating a union which is inclusive, welcoming, and free from harassment, discrimination and all types of bullying and intimidation.

Local \_\_\_\_\_ needs to ensure that it provides a safe environment for members, staff and elected officers to carry out our work. Local \_\_\_\_\_ expects that mutual respect, understanding and co-operation will be the basis of all our interaction.

This Code of Conduct for Local \_\_\_\_\_ sets out standards of behaviour for members at meetings, and all other events organized by Local \_\_\_\_\_. It is consistent with the expectations outlined in the Equality Statement, CUPE National Constitution and these bylaws. 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 members of Local \_\_\_\_\_ 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. Once a complaint is received, a designated Officer of the Local Union will work to seek a resolution.
3. 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.

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 \_\_\_\_\_, the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

This Code of Conduct does not replace a member's right to access the trial provisions of the CUPE National Constitution.