



# CONSTITUTION and BY-LAWS

CUPE Local 2881

Updated March 2024

## TABLE OF CONTENTS

PREAMBLE	.....	3
ARTICLE 1	DEFINITIONS .....	4
ARTICLE 2	NAME AND AFFILIATIONS .....	6
ARTICLE 3	HEAD OFFICE.....	7
ARTICLE 4	UNION OBJECTIVES .....	8
ARTICLE 5	JURISDICTION.....	9
ARTICLE 6	MEMBERS.....	10
ARTICLE 7	UNION DUES.....	12
ARTICLE 8	UNION STRUCTURE .....	13
ARTICLE 9	GENERAL ASSEMBLY .....	14
ARTICLE 10	EXECUTIVE COMMITTEE.....	18
ARTICLE 11	UNION COUNCIL.....	27
ARTICLE 12	TRUSTEES .....	30
ARTICLE 13	UNION COMMITTEES .....	32
ARTICLE 14	GRIEVANCE COMMITTEE.....	34
ARTICLE 15	OCCUPATIONAL HEALTH AND SAFETY COMMITTEE .....	36
ARTICLE 16	MOBILIZATION AND INFORMATION COMMITTEE .....	39
ARTICLE 17	CONSTITUTION AND BY-LAWS COMMITTEE .....	41
ARTICLE 18	BARGAINING COMMITTEE .....	42
ARTICLE 19	ELECTION COMMITTEE .....	44
ARTICLE 20	ELECTIONS.....	45
ARTICLE 21	CONVENTIONS, CONFERENCES AND SEMINARS.....	50
ARTICLE 22	PROCEDURE FOR AMENDING THE CONSTITUTION AND BY-LAWS .....	51
ARTICLE 23	EXPENSE POLICY.....	52
ARTICLE 24	SITUATIONS NOT COVERED IN THIS CONSTITUTION AND BY-LAWS.....	53
APPENDIX A	LIST OF SITES/FACILITIES AND SECTORS.....	54
APPENDIX B	TRIAL PROCEDURE .....	56
APPENDIX C	CUPE-2881 EXPENSE POLICY .....	63

## PREAMBLE

The purpose of this Constitution and By-Laws is to provide members of the Local Union with a sound understanding of the Local Union's structure and objectives and to learn about the responsibilities surrounding union duties.

This Constitution and By-Laws sets out the rights and obligations of members. It also provides a framework for the development and promotion of union life based on solidarity.

This Constitution and By-Laws is furthermore designed to ensure that all union members are fully integrated, without discrimination on the basis of social class, pregnancy, ethnic origin, colour, nationality, age, sex/gender, language, sexual orientation, place of origin, ancestry, religious beliefs or mental or physical disability.

We urge members to carefully examine the following information so they can fully participate in union life and derive every possible benefit from their membership.

**ARTICLE 1            DEFINITIONS**

**1.1            FISCAL YEAR**

April 1 to March 31.

**1.2            GENERAL ASSEMBLY**

- a) The general assembly is CUPE Local 2881's supreme authority;
- b) The general assembly is a regular or special meeting to which all the members of the Local Union are convened.

**1.3            EXECUTIVE COMMITTEE**

The executive committee is composed of the President, the Secretary General and the Vice-Presidents.

**1.4            UNION COUNCIL**

This body provides larger representation of members between general assemblies.

The union council is composed of the executive committee, members of all current committees, Site Directors and Shop Stewards.

**1.5            UNION**

Union of Employees of the Montréal West Island CIUSSS, CUPE Local 2881.

**1.6            EMPLOYER / INSTITUTION**

Montréal West Island Centre intégré universitaire de santé et de services sociaux (CIUSSS) (ODIM).

**1.7 SITE / FACILITIES**

Refer to Appendix A for an overview of all facilities.

**1.8 CONSTITUTION AND BY-LAWS**

Rules of operation of CUPE Local 2881.

**1.9 CUPE**

Canadian Union of Public Employees

**1.10 CPAS**

Conseil provincial des affaires sociales

**1.11 FTQ**

Fédération des travailleuses et travailleurs du Québec

**1.12 CLC**

Canadian Labour Congress

**ARTICLE 2        NAME AND AFFILIATIONS**

**2.1        NAME**

The name of this Local Union is the Union of Employees of the Montréal West Island CIUSSS, Local 2881, representing Class 2 employees (Paratechnical, Auxiliary Services and Trades Personnel).

**2.2        AFFILIATIONS**

This Local is affiliated with:

- The Fédération des travailleurs et travailleuses du Québec (FTQ)
- The Canadian Labour Congress (CLC)
- SFCP-Québec
- The Conseil provincial des affaires sociales (CPAS)

This Local may affiliate with other union organizations.

**ARTICLE 3      HEAD OFFICE**

- 3.1**      The Local Union's headquarters are determined by a decision of its executive committee.

## ARTICLE 4      UNION OBJECTIVES

**4.1**      The purpose of the Local Union is to safeguard and promote the professional, economic, social, cultural and political interests of its members and of workers in general.

It must ensure that its members, and workers in general, benefit from the advantages provided by mutual assistance and collective bargaining.

The Local Union works to obtain a better standard of living and better working conditions for its members.

It must promote and maintain the rules of democracy.

The Local Union aims to achieve these goals by:

- a)    Improving working conditions by negotiating, signing and implementing collective agreements and representing members in dealings with the employer;
- b)    Encouraging members to participate in the various committees established in the Local Union;
- c)    Developing action and education programs to improve union life for members;
- d)    Developing members' spirit of solidarity by encouraging them to participate in the various bodies of the union;
- e)    Encouraging members to participate in union life in all its forms.



**ARTICLE 5          JURISDICTION**

**5.1**          The Local Union's jurisdiction extends to all employees covered by the certification delivered by the Tribunal administratif du travail on April 21, 2017, and its amended versions.

## **ARTICLE 6 MEMBERS**

### **6.1 DEFINITION**

Any employee whose position is included in the bargaining unit and who fulfills membership conditions is a member in good standing of the Local Union.

### **6.2 MEMBERSHIP CONDITIONS**

To be a member in good standing of the Local Union, the following conditions must be met:

- a) Be in the employ of the employer. In the event of dismissal, the employee continues to be a member of the Local Union on the condition that the employee has submitted a grievance approved by the Local Union;
- b) Fill out and sign a membership card;
- c) Pay the initiation fee required by the Québec Labour Code;
- d) Pay union dues;
- e) Become a member and comply with this Constitution and By-Laws.

### **6.3 UNION DOCUMENTS**

One copy of the Constitution and By-Laws and the collective agreements is provided upon request.

### **6.4 INITIATION FEE**

- a) The initiation fee is that required by the Québec Labour Code;
- b) The initiation fee is paid only once, even if the employee is laid off and then rehired.

## 6.5 VOTING RIGHTS

Any member in good standing has the right to vote on any decision taken during a meeting called by union leadership.

Any member who has been suspended or expelled loses their entitlement to the benefits and advantages of the Local Union until they are readmitted.

- a) The suspension or expulsion procedure is the one provided under Appendix F of the Constitution of the Canadian Union of Public Employees (see Appendix B hereto).

**ARTICLE 7            UNION DUES**

**7.1**            All employees covered by the bargaining unit are required to pay the union dues at the rate established by the general assembly.

Convocations to the general assembly must mention any change to union dues that has been recommended by the executive committee. To that end, the executive committee must give at least seven (7) calendar days' notice at a previous general assembly or sixty (60) calendar days' notice in writing.

**ARTICLE 8            UNION STRUCTURE**

**8.1            GENERAL ASSEMBLY**

The general assembly is the highest decision-making body of the Local Union.

**8.2            UNION COUNCIL**

The union council is the Local Union's authority during the period between general assemblies.

**8.3            EXECUTIVE COMMITTEE**

The executive committee is the Local Union's authority during the period between the general assemblies and the meetings of the UNION COUNCIL.

## **ARTICLE 9            GENERAL ASSEMBLY**

### **9.1            RULES AND PROCEDURES**

All assemblies must follow Bourinot's Rules of Order.

### **9.2            COMPOSITION**

The general assembly is composed of all the members in good standing of the Local Union.

### **9.3            DUTIES**

The general assembly is the supreme authority of the Local Union. The regular and special general assemblies have the following duties:

- a)    Modify and amend this Constitution and By-Laws;
- b)    Receive and follow up on any recommendation from the executive committee;
- c)    Take any decision judged necessary for the proper operation of the Local Union;
- d)    Approve expenses greater than \$5,000, other than the cost of printing the union documents stipulated in Article 6.03 or all other expenses not included in the annual budget;
- e)    Approve the annual budget and the financial statements;
- f)    Approve union dues;
- g)    Approve the proposed negotiated collective agreement and ratify it, if appropriate;
- h)    Accept or reject a strike mandate proposal;
- i)    Elect members of the election committee;
- j)    Elect Trustees;

- k) Elect members of the constitution and by-laws committee.

## 9.4 ANNUAL GENERAL ASSEMBLY

- A. The annual general assembly is held once (1) per year, after the end of the fiscal year. The agenda must include the following items:
  - 1) Call to order
  - 2) Reading of the equality statement
  - 3) Reading and approval of the agenda
  - 4) Reading and approval of the most recent minutes
  - 5) Executive committee's report
  - 6) Submission and approval of the detailed financial report for the prior fiscal year
  - 7) Submission and approval of the Trustees' report
  - 8) Budget projections
  - 9) Election of Trustees and election committee members (if there are vacancies)
  - 10) Miscellaneous
  - 11) Adjournment
- B. It is called by the executive committee at least fourteen (14) calendar days before its scheduled time.

## 9.5 REGULAR GENERAL ASSEMBLY

- a) Regular general assemblies are held as needed, but must be held at least once (1) per year;
- b) A regular general assembly is called by the executive committee at least fourteen (14) calendar days before it is held;
- c) All miscellaneous business that requires a vote must be submitted to the next general assembly.

## 9.6 SPECIAL GENERAL ASSEMBLY

- a) Special general assemblies are called by the executive committee with at least 48 hours' notice;

- b) During special general assemblies, only the items listed on the notice of meeting are discussed;
- c) A special general assembly must be held when the executive committee receives a request signed by fifteen (15) percent of the members in good standing of the Local Union. The request must state the items to be discussed, and the executive committee must call this assembly within seven (7) days of receipt of the request;
- d) An emergency general assembly may be ordered by the executive committee at any time outside of the prescribed deadlines by any means likely to reach the largest number of members possible. This assembly may only consider the business set out in the notice of meeting.

## **9.7 GENERAL ASSEMBLIES HELD OVER SEVERAL SESSIONS**

When the general assembly consists of several sessions, the members weigh in on the resolutions and discuss the miscellaneous items (if any) presented at the first session. In order to be presented at the first session, all resolutions must be submitted to the Secretary General of the Local Union five (5) days before the start of the aforementioned session.

## **9.8 ATTENDANCE AT GENERAL ASSEMBLIES**

- a) Regular and special general assemblies may be convened for all members at a single location or may be for the total number of members attending assemblies by site. The agenda must be enclosed with the notice of meeting;
- b) Any member may take part in a regular or special general assembly other than one held for their own institution. However, this member has voting rights in only one of these assemblies with regard to all the items discussed.

## **9.9 SITE ASSEMBLY**

- a) This is a general assembly to which all the members of the Local Union in one site are convened to discuss a problem specific to the site or facility. A site general assembly is convened by the executive committee at least fourteen (14) calendar days before it is held, and the agenda is enclosed with the notice of meeting.



- b) A special general assembly must be called when the executive committee receives a request signed by fifteen (15) percent of the members in good standing of the Local Union within a specific home base. The request must state the items to be discussed, and the executive committee must call this assembly within seven (7) days of receipt of the request.

## **9.10 QUORUM**

A quorum is five (5) percent of the members in good standing.

## ARTICLE 10 EXECUTIVE COMMITTEE

### 10.1 COMPOSITION

The executive committee is composed of the following seven (7) members:

- The President;
- The Secretary General;
- The Vice-President, Eastern Sector;
- The Vice-President, Central Sector;
- The Vice-President, Western Sector;
- The Vice-President, Grievances;
- The Vice-President, Occupational Health and Safety.

### 10.2 TERM

The term of office of each member of the executive committee is three (3) years.

### 10.3 DUTIES

The executive committee has the following duties:

- a) Manage the Local Union's business and property and see to the Local Union's proper operation between general assemblies;
- b) Settle problems requiring immediate decisions;
- c) Determine the date of meetings and assemblies and convene the members;
- d) Submit to the general assembly any question requiring a vote;
- e) Approve expenses under five thousand dollars (\$5,000), other than the printing of union documents stipulated in Article 6.03;

- f) Make an account of its activities in a report to the union council and the general assembly;
- g) Examine and make a recommendation to the general assembly about the policy to follow in bargaining matters;
- h) Ensure that the decisions of the general assembly are carried out;
- i) Act with full authority in regard to any publication issued by the Local Union;
- j) Uphold and ensure compliance with the union structure;
- k) Promote training and encourage each member in the union structure to receive the necessary training for carrying out the duties of their office;
- l) Share political responsibility for the various committees in the union structure;
- m) Ensure that all vacant positions are temporarily filled;
- n) Establish any committee considered useful for the proper functioning of the Local Union;
- o) Uphold and ensure compliance with this Constitution and By-Laws.

## **10.4 MEETINGS**

The executive committee will meet as often as necessary and must meet at least eight (8) times per year.

## **10.5 QUORUM**

The quorum for the executive committee is five (5) members.

## **10.6 ATTENDANCE AT MEETINGS**

A member of the executive committee who fails to report to two (2) meetings without cause within twelve (12) months will be relieved of their duties.

## 10.7 VACANCY OR ABSENCE

1. If an office falls vacant on the executive committee, it may be temporarily filled by a member elected or assigned from within the union structure and appointed by the executive committee;
2. If an office falls vacant on the executive committee, it may be filled by the election procedure provided for that purpose or by a temporary appointment by the executive committee of a member elected or appointed from within the union structure, until the next election. The executive committee may designate an interim replacement until the next statutory elections (the interim position may not exceed six (6) months);
3. If the office of President of the Union falls vacant, the Secretary General must convene the executive committee within five (5) business days, and the meeting of the executive committee must be held within ten (10) business days of the convocation date. The executive committee may designate an interim replacement until the next statutory elections. The interim position may not exceed six (6) months;

The executive committee must apply the procedures provided under Article 10.07, paragraphs 1 and 2;

4. However, if the office of President falls vacant during a bargaining period, the executive committee will designate an interim replacement until the local collective agreement is signed. After this period, the executive committee must make a decision in accordance with the provisions of paragraph 1.

## 10.8 ROLE OF THE PRESIDENT

- a) Presides over the regular or special general assemblies, the site assemblies and the meetings of the UNION COUNCIL and the EXECUTIVE COMMITTEE and moderates the debates at these meetings;
- b) Represents the Local Union in official activities and has authority in labour relations matters;
- c) Co-signs cheques, primarily with the Secretary General or the third (3rd) signing officer;

- d) Has a vote on all matters except appeals against the President's rulings, and in case of a tie vote, has the right to cast the tie-breaking vote, except when a replacement is appointed;
- e) Is an ex-officio member of all committees, conventions and delegations;
- f) Supervises the implementation of the Constitution and By-Laws and ensures that officers diligently perform their assigned duties;
- g) Has sole authority to interpret this Constitution and By-Laws. However, the President's interpretation may be appealed;
- h) Sees to the proper functioning of the committees;
- i) Coordinates the work of the executive committee;
- j) Enforces this Constitution and By-Laws and the CUPE National Constitution;
- k) Upholds and ensures compliance with the union structure;
- l) Provides a written report on their activities at all meetings held within the union structure;
- m) Approves leaves for union activities and releases from duty;
- n) Signs the minutes;
- o) On termination of office, surrenders to the successor all properties of the Local Union in their possession.

## **10.9** ROLE OF THE SECRETARY GENERAL

- a) Receives all sums paid to the Local Union and safeguards the Local Union's monies as well as all its property. Deposits the sums thus received at the financial institution selected by the executive committee;
- b) Maintains the official books and records;
- c) Must pay CUPE-2881's bonding insurance premium annually;
- d) Makes all the Local Union's books available for inspection by the executive committee, the Trustees and members on reasonable notice. Has the books

audited twice (2) per fiscal year, i.e., approximately every six (6) months. Responds in writing within a reasonable time regarding any recommendations and concerns raised by the Trustees;

- e) Provides Trustees with any information they may need to perform their duties;
- f) Remits per capita taxes to the National Office each month, and to all other organizations to which the Local is affiliated;
- g) Pays the contributions due to the CNESST;
- h) Prepares budget projections at the beginning of each year;
- i) Makes a full financial report to each meeting of the executive committee and provides a written financial report to each regular general assembly of members, detailing all income and expenditures for the current period;
- j) Co-signs cheques with the President or the third signing officer;
- k) Is responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations or invoices for every amount received or disbursed by the Local Union;
- l) Keeps comprehensive minutes of the deliberations of all the assemblies and meetings of all the union's bodies, including a copy of an accurate and impartial financial statement;
- m) Presides over general assemblies in the absence of the President;
- n) Implements this Constitution and By-Laws and the CUPE National Constitution;
- o) Performs all the tasks required by the President or the executive committee;
- p) Maintains a list of all the property belonging to the Local Union;
- q) On termination of office, surrenders to the successor all properties of the Local Union in their possession.

## 10.10 ROLE OF THE SECTOR VICE-PRESIDENTS

- a) Must represent the interests of the members at the sites under their jurisdiction;
- b) Assist the President in their duties;
- c) Have the primary responsibility for union life in their sector;
- d) Under the authority of the executive committee, oversee labour relations in their sector;
- e) Coordinate and support the Site Representatives in their sector;
- f) To ensure two-way communication, must communicate with the sector's Site Directors before and after each executive committee meeting;
- g) May hold sector meetings and deal with any work organization issue at such meetings, provided that this does not contravene the decisions of the general assembly or the executive committee;
- h) Are responsible for defending the rights of unionized persons in their sector and for implementing the national and local collective agreements;
- i) Encourage members to attend assemblies and participate in union activities;
- j) May not sign any agreement with the employer without the prior authorization and/or signature of the President;
- k) Must submit to the executive committee any issue examined in the sector that may be of interest or useful to the Local Union or that must be approved by the executive committee;
- l) Perform any other task assigned by the President or the executive committee;
- m) See to the proper functioning of the committees under their responsibility;
- n) Provide a written report on their activities to the executive committee, the union council and the general assembly;
- o) Implement this Constitution and By-Laws and the CUPE National Constitution;

- p) On termination of office, surrender to the successor all properties of the Local Union in their possession.

## **10.11**    ROLE OF THE VICE-PRESIDENT, GRIEVANCES

- a) Has the primary responsibility for drafting grievances;
- b) Coordinates and supports the work of grievance officers;
- c) Under the authority of the executive committee, is responsible for the processing of grievances for the entire Local Union;
- d) Diligently investigates the cases under their responsibility;
- e) Follows up on cases with the members;
- f) May assist the President in their duties;
- g) Must organize meetings to prepare for the joint grievance committee as well as organize the meetings with this committee;
- h) Is an ex-officio member of the grievance committee;
- i) Is responsible for defending the rights of union members and enforcing the national and local collective agreements;
- j) Encourages members to attend assemblies and participate in union activities;
- k) May sign grievance settlement agreements with the employer, but only for individual grievances;
- l) At each executive committee meeting, must submit a report indicating the number of active grievances, the number of new grievances, the number of settled grievances and the number of arbitration hearings scheduled;
- m) Keeps an up-to-date calendar of scheduled hearings;
- n) Performs all other duties assigned by the President or the executive committee;
- o) Ensures the smooth operation of the committees under their oversight;



- p) Provides a written reports of their activities to the executive committee, the union council and the general assembly;
- q) Enforces the present Constitution and By-Laws as well as the CUPE National Constitution;
- r) On termination of office, surrenders to the successor all properties of the Local Union in their possession.

## **10.12** ROLE OF THE VICE-PRESIDENT, OCCUPATIONAL HEALTH AND SAFETY

- a) Has the primary responsibility over occupational health and safety cases related to prevention and compensation;
- b) Coordinates and supports the work of occupational health and safety officers;
- c) Under the authority of the executive committee, is responsible for processing occupational health and safety cases for the entire Local Union;
- d) Diligently investigates the cases under their responsibility;
- e) Follows up on cases with the members;
- f) May assist the President in their duties;
- g) Must organize preparation meetings for the joint occupational health and safety committees as well as organize the meetings of this committee;
- h) Is an ex-officio member of the occupational health and safety committees;
- i) Is responsible for defending the rights of union members and enforcing the national and local collective agreements;
- j) Encourages members to attend assemblies and participate in union activities;
- k) Must ensure that representation agreements are signed by the members who wish to be represented;

- l) At each executive committee meeting, must submit a report indicating the number of active cases, the number of new cases, the number of settled cases and the number of hearings scheduled with the TAT;
- m) Keeps an up-to-date calendar of scheduled hearings;
- n) Performs all other duties assigned by the President or the executive committee;
- o) Ensures the smooth operation of the committees under their oversight;
- p) Makes a written report of their activities to the executive committee, the union council and the general assembly;
- q) Implements the present Constitution and By-Laws as well as the CUPE National Constitution;
- r) On termination of office, surrenders to the successor all properties of the Local Union in their possession.

## ARTICLE 11 UNION COUNCIL

### 11.1 COMPOSITION

The UNION COUNCIL is composed of the executive committee, the members of all current committees, the Site Directors and the Shop Stewards.

### 11.2 MEETINGS

The union council meets at least twice (2) per year.

### 11.3 QUORUM

The UNION COUNCIL has a quorum of two-thirds (2/3) of its individual members.

### 11.4 ROLE OF SITE DIRECTORS

- a) Must represent the interests of the members at the sites under their jurisdiction;
- b) Assist the Vice-President in their duties;
- c) In collaboration with the Vice-President, are responsible for union life in the sites they represent;
- d) Assist in defending the rights of unionized persons in their sector and enforcing the national and local collective agreements;
- e) Encourage members to attend assemblies and participate in union activities;
- f) Must submit to the Vice-President any issue examined in the sector that may be of interest or useful to the Local Union or that must be approved by the executive committee;
- g) Perform all other tasks assigned by the President, the Vice-President or the executive committee;
- h) Take part in the activities of the bodies of the Local Union;

- i) Enforce this Constitution and By-Laws and the CUPE National Constitution;
- j) On termination of office, surrender to the successor all properties of the Local Union in their possession.

## 11.5 ROLE OF SHOP STEWARDS

- a) Must represent the interests of the members at the sites they represent;
- b) Assist the Site Director in their duties;
- c) In collaboration with the Site Director, are responsible for union life in the sites they represent;
- d) Help defend rights of unionized persons in their sector and help implement the national and local collective agreements;
- e) Encourage members to attend assemblies and participate in union activities;
- f) Must submit to the Site Director any issue examined in the sector that may be of interest or useful to the Local Union or that must be approved by the executive committee;
- g) Perform all other tasks assigned by the President, the Vice-President or the executive committee;
- h) Take part in the activities of the bodies of the Local Union;
- i) Enforce this Constitution and By-Laws and the CUPE National Constitution;
- j) On termination of office, surrender to the successor all properties of the Local Union in their possession.

## 11.6 DUTIES

- a) Represent members and keep them up to date during the period between general and site assemblies;
- b) Make relevant recommendations to the executive committee and the general assembly;

- c) Make the necessary decisions that were not made at the general assembly.

## **11.7 DEADLINES, CONVOCATIONS AND COMMUNICATIONS**

- a) The members of the union council are convened by the executive committee;
- b) The union council may be convened through a petition signed by twenty-five (25) percent of its individual members in good standing.

## **11.8 ATTENDANCE AT MEETINGS**

Should a member of the union council fail to answer the roll call without sufficient and valid reason at two (2) meetings held within a period of twelve (12) months, the member is removed from office by the executive committee.

## **11.9 VACANCY OR ABSENCE**

1. Any absence from a position on the union council may be temporarily filled by a member appointed by the executive committee.
2. Any vacancy occurring in an elected position on the union council may be filled either by the election procedure provided for this purpose or by the temporary appointment of a member by the executive committee, until the next election is held.

## ARTICLE 12 TRUSTEES

### 12.1 COMPOSITION

There are four (4) Trustee positions, consisting of three (3) Trustees and one (1) substitute Trustee. This substitute is elected at the annual general assembly to be a replacement for a Trustee who is absent during their term of office.

### 12.2 TRUSTEE ELECTION PROCEDURE

- a) There are four (4) Trustees. They are elected by the members at the annual general assembly;
- b) No member from the union structure or from a committee may seek this office. However, should they wish to do so, they must transmit their intentions in writing to the Secretary General no later than one week before the annual general assembly is held;
- c) If only one member seeks office, that member is elected by acclamation;
- d) If a vote is held by secret ballot, two (2) members of the executive committee count the votes. The candidates may appoint an observer when ballots are counted;
- e) The Trustees are elected by all the members in attendance at the annual general assembly.

### 12.3 ROLE OF THE TRUSTEES

- a) Act as an audit committee on behalf of the members and audit the books and accounts of the Local Union and the standing committees twice (2) per fiscal year, i.e., approximately every six (6) months;
- b) Submit a written report to the regular general assembly held after the end of the fiscal year;
- c) Submit in writing to the President and the Secretary General any recommendations they deem necessary to ensure that the Local Union's funds, records and accounts are being maintained in an organized, correct and proper manner;

- d) Ensure that monies are not spent without proper authorization and as provided in the Constitution and By-Laws or as agreed upon by the membership;
- e) Ensure that proper financial reports are given to the membership;
- f) Audit attendance records;
- g) At least once per year, inspect the stocks, bonds, securities, union office furniture, equipment and titles or deeds that at any time may be owned by the Local Union, and report their findings to the membership;
- h) Send to the CUPE National Secretary-Treasurer, with a copy to the assigned union representative, a copy of the completed audit report (on the prescribed form provided by the National Secretary-Treasurer), and provide the members of the Local Union with a copy of the report and recommendations the Trustees have submitted to the Local Union's President and Secretary General;
- i) On termination of office, surrenders to the successor all properties of the Local Union in their custody.

## ARTICLE 13 UNION COMMITTEES

Union committees are standing or ad hoc. They carry out all the required assignments related to members' interests and the issues before the Local Union.

### 13.1 STANDING UNION COMMITTEES

The standing committees are defined as follows by this Constitution and By-Laws:

- a) Grievance committee;
- b) Occupational health and safety committee;
- c) Mobilization and information committee;
- d) Constitution and by-laws committee;
- e) Bargaining committee;
- f) Election committee.

### NOMINATIONS AND ELECTIONS

The members of the election committee and the constitution and by-laws committee are elected by the members at the general assembly.

The members of the other committees are appointed by the members of the executive committee.

### 13.2 AD HOC UNION COMMITTEES

1. Ad hoc committees labelled as "ad hoc" are created as needed by the executive committee. It is therefore the executive committee's responsibility to:
  - a) Decide on the composition of the ad hoc committee;
  - b) Select its members;
  - c) Define the committee's assignment;



d) Decide the length of the assignment.

2. The daily administration of the committee is ensured by a member of the executive committee.

The executive committee may change the membership, assignment and term of the committee at any time.

### **13.3 ELIGIBILITY TO SERVE ON A COMMITTEE**

Any member in good standing of the Local Union is eligible to serve on a committee.

**ARTICLE 14      GRIEVANCE COMMITTEE**

**14.1      COMPOSITION**

This committee is composed of the Vice-President, Grievances, and grievance officers.

**14.2      APPOINTMENT**

The executive committee sends a call for expressions of interest to the members with a view to selecting grievance officers. The grievance officers are appointed by the executive committee, and the union council ratifies this choice.

**14.3      TERM OF OFFICE**

The term of office of grievance officers is two (2) years.

**14.4      DUTIES**

- a) Must follow up on grievances filed until a settlement is reached, including a decision by the arbitrator;
- b) Is required to meet with the employer to discuss current grievance cases;
- c) Must analyze and assess the grievances it receives;
- d) Is required to follow the procedure set out in the collective agreement;
- e) At the request of the executive, prepares and submits a written and/or verbal report on its activities so that the report can be presented to union meetings and/or assemblies as provided herein;
- f) Attends the union meetings and/or assemblies prescribed herein;
- g) Implements this Constitution and By-Laws and the CUPE National Constitution;
- h) Upholds and ensures compliance with the union's structure;

- i) Upon termination of office, surrenders to the successors all properties of the Local Union in the committee's safekeeping.

## **14.5**      **ROLE OF GRIEVANCE OFFICERS**

- a) Collaborate with the Vice-President, Grievances;
- b) Must follow up on grievances filed until a settlement is reached, including a decision by the arbitrator;
- c) Diligently investigate the cases under their responsibility;
- d) Follow up on cases with members;
- e) Are required to meet with the employer to discuss current grievance cases;
- f) Must analyze and assess the grievances they receive;
- g) Are required to follow the procedure set out in the collective agreement;
- h) Must record all the necessary progress notes in the grievance file;
- i) At the request of the Vice-President, Grievances, prepare and submit a written and/or verbal report on the committee's activities so that the report can be presented to the union meetings and/or assemblies as provided herein;
- j) Attend the union meetings and/or assemblies prescribed herein;
- k) Implement this Constitution and By-Laws and the CUPE National Constitution;
- l) Uphold and ensure compliance with the union's structure;
- m) Upon termination of office, surrender to the successors all properties of the Local Union in their custody.

**ARTICLE 15      OCCUPATIONAL HEALTH AND SAFETY COMMITTEE**

**15.1      COMPOSITION**

- a) This committee is composed of the Vice-President, Occupational Health and Safety, and occupational health and safety officers.

**15.2      APPOINTMENT**

The executive committee sends a call for expressions of interest to the members with a view to selecting occupational health and safety officers. The occupational health and safety officers are appointed by the executive committee, and the union council ratifies this choice.

**15.3      TERM OF OFFICE**

The term of office of occupational health and safety officers is two (2) years.

**15.4      DUTIES**

- a) Establishes occupational health and safety training and information programs as part of the occupational health and safety program;
- b) Attends the meetings of the joint committee;
- c) Selects the appropriate personal protection methods and equipment for employees;
- d) Makes the necessary recommendations to the employer;
- e) Helps identify and assess risks in connection with work areas and the work performed by employees;
- f) Maintains a register of workplace accidents, occupational diseases and the events that may have caused them;
- g) Receives a copy of accident notices and investigates the events that caused or could have caused a workplace accident or an occupational disease, and

submits appropriate recommendations to the employer and the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST);

- h) Receives, examines and responds to suggestions and complaints from workers and the employer in connection with occupational health and safety;
- i) Receives and examines reports of inspections carried out in the institution;
- j) Notifies the executive committee immediately of any problems or challenges facing the committee or the employer in regard to members.

## **15.5** ROLE OF OCCUPATIONAL HEALTH AND SAFETY OFFICERS

- a) Collaborate with the Vice-President, Occupational Health and Safety;
- b) Must follow up on disputed occupational health and safety cases until a settlement is reached, including a decision by the TAT;
- c) Diligently investigate the cases under their responsibility;
- d) Follow up on files with members;
- e) Must record all the necessary progress notes in the file;
- f) May attend the meetings of the joint committee;
- g) May help identify and assess risks in connection with work areas and the work performed by employees;
- h) At the request of the Vice-President, Occupational Health and Safety, prepare and submit a written and/or verbal report on the committee's activities so that the report can be presented to the union meetings and/or assemblies provided herein;
- i) Attend the union meetings and/or assemblies prescribed herein;
- j) Implement this Constitution and By-Laws and the CUPE National Constitution;
- k) Uphold and ensure compliance with the union's structure;

- I) Upon termination of office, surrender to the successors all properties of the Local Union in their custody.

**ARTICLE 16 MOBILIZATION AND INFORMATION COMMITTEE**

**16.1 COMPOSITION**

This committee is composed of the President and the mobilization and information officer.

**16.2 APPOINTMENT**

The executive committee sends a call for expressions of interest to the members with a view to selecting a mobilization and information officer. The mobilization and information officer is appointed by the executive committee, and the union council ratifies this choice.

**16.3 TERM OF OFFICE**

The term of office of the mobilization and information officer is two (2) years.

**16.4 DUTIES**

- a) Communicates regularly with members;
- b) Must submit ideas for mobilization activities to the executive committee, taking available budgets into account;
- c) Must organize the actions selected by the executive committee.

**16.5 ROLE OF THE MOBILIZATION AND INFORMATION OFFICER**

- a) In collaboration with the President, the person appointed to this committee may be asked to:
  - Draft union communications
  - Organize mobilization activities
  - Carry out surveys
  - Prepare reports
  - Meet with members in the field

- Perform any other task assigned in connection with communication or mobilization
  
- b) Attends the union meetings and/or assemblies prescribed herein;
  
- c) Implements this Constitution and By-Laws and the CUPE National Constitution;
  
- d) Upholds and ensures compliance with the union's structure;
  
- e) Upon termination of office, surrenders to the successors all properties of the Local Union in their custody.



## **ARTICLE 17      CONSTITUTION AND BY-LAWS COMMITTEE**

### **17.1      COMPOSITION**

The constitution and by-laws committee is composed of three (3) members, one (1) substitute member and the Vice-President responsible for the committee.

### **17.2      APPOINTMENT**

The members and the substitute member of the constitution and by-laws committee are elected by the members at the general assembly.

### **17.3      TERM OF OFFICE**

The term of office of the committee members is three (3) years.

### **17.4      DUTIES**

The constitution and by-laws committee studies all amendment proposals. It recommends their acceptance or rejection or makes counter-proposals to the appropriate Union bodies. It is also responsible for making any required amendment proposal to ensure the consistency of the Constitution and By-Laws.

Upon request from the President, the committee gives its opinion on interpreting the Constitution and By-Laws.

**ARTICLE 18      BARGAINING COMMITTEE**

The bargaining committee sees to the renewal of local agreements and local arrangements.

**18.1      COMPOSITION**

The committee is composed of at least four (4) members, including one ex-officio position held by the President of the Local Union.

One union representative assigned to the Local Union assists and advises the bargaining committee.

**18.2      APPOINTMENT**

The bargaining committee is appointed by the executive committee. It reports on its activities to the executive committee and the union council and notifies members at the general assembly of the progress of negotiations.

**18.3      DUTIES**

- a) Consults the members;
- b) Negotiates members' working conditions;
- c) Makes recommendations to members concerning the acceptance or rejection of the employer's offers.

**18.4      VACANCY OR ABSENCE**

- a) After two (2) unjustified absences, the executive committee appoints a replacement;
- b) When a Vice-President is appointed to the bargaining committee by the executive committee, the executive committee designates a replacement for the length of the bargaining period. It is understood that the replacement occurs only if the period required for bargaining prevents the Vice-President from carrying out their responsibilities;

- c) The person replacing the Vice-President thus assumes all the responsibilities described in Articles 10.10, 10.11 or 10.12 herein. However, the elected Vice-President retains their vote on the executive committee. The replacement assists the executive committee, but has no vote.

**ARTICLE 19      ELECTION COMMITTEE**

- 19.1**
- a) Three (3) members serve on the election committee and are elected by the members at the general assembly;
  - b) For the initial election of members to the election committee, one member is elected for a term of one (1) year; the second is elected for a term of two (2) years, and a third member is elected for a term of three (3) years. Thereafter, each year a member of the election committee is elected for a term of three (3) years;
  - c) The members of the election committee may not have a seat on the union council or seek elected office for another position;
  - d) The members of the election committee must elect a president or a secretary of elections;
  - e) The role of the president of elections is to ensure that elections are held without incident, and specifically to:
    - i. Receive and announce the nominations;
    - ii. Receive and approve any form of election advertising;
    - iii. Set out the length and rules for election campaigns;
    - iv. Monitor the voting process;
    - v. Announce the results of the election.
  - f) The secretary of elections has the following duties:
    - i. Assist the president of elections;
    - ii. Record the election process.
  - g) The election committee holds elections and ensures that they proceed in accordance with the provisions herein;
  - h) No later than thirty (30) days after the conclusion of the elections, the election committee turns over to the executive committee all of the union's property in its custody.

## ARTICLE 20 ELECTIONS

### 20.1 VOTING MEMBERS

All members in good standing of the Local Union are entitled to vote.

The list of members in good standing of the Local Union is updated and returned to the election committee no later than seven (7) days before the vote is held.

### 20.2 TERMS OF OFFICE

#### POSITIONS ON THE EXECUTIVE COMMITTEE

The term of office of positions on the executive committee is three (3) years.

However, following the 2019 general election, the following positions will be up for election in 2021. Members then elected will serve for three (3) years:

- Vice-President, Grievances;
- Secretary General;
- Vice-President, Central Sector.

The third (3rd) year, the election committee holds elections for the following positions:

- President;
- Vice-President, Eastern sector;
- Vice-President Western sector;
- Vice-President, Occupational Health and Safety.

#### SITE REPRESENTATIVE POSITIONS

The term of office for Site Representatives is three (3) years.

However, following the 2019 general election, the following positions will be up for election in 2021. Members elected at that time will serve for three (3) years:

- Representative of the Centre d'hébergement et de soins de longue durée (CHSLD) de Lachine
- Representative of the Centre d'hébergement et de soins de longue durée (CHSLD) de Dorval
- Representative of the Centre d'hébergement et de soins de longue durée (CHSLD) de Nazaire-Piché

- Representative of the Centre d'hébergement et de soins de longue durée (CHSLD) de LaSalle
- Representative of Hôpital de LaSalle
- Representative of the former Hôpital de Lachine (CLSC DL, Mental health unit, CHSLD Les Berges) and the CLSC LaSalle
- Representative of the West Montreal Readaptation Centre (CROM)

In the third (3rd) year, the election committee holds elections for the following positions:

- Representative of St. Mary's Hospital Center
- Representative of the Grace Dart Extended Care Centre
- Representative of the Douglas Mental Health University Institute
- Representative of the Batshaw Youth and Family Centres
- Representative of Ste. Anne's Hospital
- Representative of Lakeshore General Hospital
- Representative of the Centre d'hébergement et de soins de longue durée (CHSLD) Denis-Benjamin-Viger
- CLSC West (CLSC 2400 Des Sources, CLSC Pierrefonds and CLSC Lac-Saint-Louis)

### 20.3 VOTING FOR EXECUTIVE COMMITTEE POSITIONS

The following positions are elected by all members in good standing of the Local Union:

- President
- Secretary General
- Vice-President, Grievances
- Vice President, Occupational Health and Safety

The following executive committee positions are elected by members in good standing whose home base is located in one of the facilities included in the sectors associated with the Vice-President. Members in good standing from the sectors (eastern, central and western) have priority as candidates for the vice-president positions for their respective sectors. All union members in good standing of the Local Union may be candidates for any sector position for which there is no candidate from that sector.

During a term of office, if a person elected for a sector moves to another sector, that person may complete their term of office.

- Vice-President, Eastern Sector
- Vice-President, Central Sector
- Vice-President, Western Sector

The following Site Representative positions are elected by members in good standing whose home base is located in the facility or one of the facilities included in the sector associated with the Site Representative. Members in good standing from the sectors (eastern, central and western) have priority as candidates for the positions of Site Representative for their respective sectors. All union members in good standing of the Local Union may be candidates for any sector position for which there is no candidate from that sector.

During a term of office, if a person elected for a sector moves to another sector, that person may complete their term of office.

- Representative of the Centre d'hébergement et de soins de longue durée (CHSLD) de Lachine
- Representative of the Centre d'hébergement et de soins de longue durée (CHSLD) de Dorval
- Representative of the Centre d'hébergement et de soins de longue durée (CHSLD) de Nazaire-Piché
- Representative of the Centre d'hébergement et de soins de longue durée (CHSLD) de LaSalle
- Representative of Hôpital de LaSalle
- Representative of the former Hôpital de Lachine (CLSC DL, Mental health unit, CHSLD Les Berges) and the CLSC LaSalle
- Representative of the West Montreal Readaptation Centre (CROM)
- Representative of St. Mary's Hospital Center
- Representative of the Grace Dart Extended Care Centre
- Representative of the Douglas Mental Health University Institute
- Representative of the Batshaw Youth and Family Centres
- Representative of Ste. Anne's Hospital
- Representative of Lakeshore General Hospital
- Representative of the Centre d'hébergement et de soins de longue durée (CHSLD) Denis-Benjamin-Viger
- CLSC West (CLSC 2400 Des Sources, CLSC Pierrefonds and CLSC Lac-Saint-Louis)

## 20.4 VOTING PROCEDURE FOR ELECTIONS TO EXECUTIVE COMMITTEE AND SITE REPRESENTATIVE POSITIONS

### **Executive committee**

- At the request of the executive committee, elections are called by the president of elections within three (3) weeks following Labour Day in years when an election is required.
- A notice indicating the positions available on the executive committee, the calendar of dates to remember, the rules surrounding the election campaign and the restrictions applicable to running for a given position is then posted in the designated locations.

- The nomination period for available positions on the executive committee is seven (7) days.
- Each candidate must be nominated and seconded by a member in good standing.
- A member may run for only one position.
- In keeping with the principles of efficiency, effectiveness and economy, the method used to hold the vote (ballot box, postal vote, electronic vote, etc.) is at the discretion of the president of elections, but will always be in the form of a secret vote and will aim to reach as many members in good standing as possible.
- Within seven (7) days following the closing date for nominations, the election committee will post in the designated areas the position(s) to be filled, the name(s) of the candidate(s), and the method, place, date and time of voting by secret ballot.
- Voting will therefore take place no less than seven (7) days and no more than fifteen (15) days after the close of nominations.
- Votes must be counted within a maximum of seventy-two (72) hours following the end of voting.
- Candidates may attend the vote count or delegate an observer during the count. They must notify the election committee seventy-two (72) hours before the count.
- The winning candidate is the one with the most votes. The president of elections declares the winner of the election.
- In the event of a tie, a new election is held.
- In the event that a force majeure prevents the election committee from proceeding with the election, the committee will decide what action to take, including delaying the election.
- The president notifies the members of the election results by posting the winners' names in the designated areas for a period of seven (7) days.



## Site Representatives

- The president of elections has a maximum of seven (7) days following the nomination of candidates for executive committee positions to open the nomination period for available Site Representative positions.
- The procedure and deadlines for elections to Site Representative positions are the same as for executive committee positions.

## 20.5 OATH OF OFFICE

A candidate who is elected must clearly and distinctly pronounce the following oath: "I (name) promise to faithfully and loyally discharge the duties of my office in accordance with the Constitution and By-Laws of CUPE-2881 for the duration of my term. I promise to support the constitution, objectives, principles and policies of CUPE National. As an officer of CUPE-2881, I will strive to maintain the harmony and dignity of its assemblies, both by my advice and my example. I also promise to turn over to my successor, at the end of my term of office, all the property of CUPE-2881."

**ARTICLE 21      CONVENTIONS, CONFERENCES AND SEMINARS**

**21.1**      Knowing the importance of taking part in the conventions, conferences and seminars of the various bodies and organizations to which the Local Union is affiliated, the Local Union agrees that each time it is asked to participate, it will delegate the number of people it is entitled to send, in accordance with its financial means.

In addition to official delegates, the Local Union may designate additional members to act as observers.

The executive committee decides on the composition of its delegation.

**ARTICLE 22      PROCEDURE FOR AMENDING THE CONSTITUTION AND BY-LAWS**

**22.1      PROPOSED AMENDMENT**

Any proposed amendment to this Constitution and By-Laws must be submitted in writing and debated at a regular or special general assembly, provided seven (7) days' notice has been given at a previous assembly or at least sixty (60) days' written notice has been sent with the notice of meeting, which must mention the amendments.

Prior to the general assembly, copies of the amendments will be available at the union offices for all members who request them. Notice of the filing of said amendments will be posted on the union bulletin boards.

**22.2      VOTE**

This Constitution and By-Laws may only be amended by the vote of at least two-thirds (2/3) of the members present at an assembly.

## **ARTICLE 23      EXPENSE POLICY**

- 23.1**      Reimbursement of expenses incurred by persons working for the union is made on presentation of an expense report with supporting documents to the Secretary General. See Appendix C for Local 2881's expense policy.

**ARTICLE 24        SITUATIONS NOT COVERED IN THIS CONSTITUTION AND  
BY-LAWS**

**24.1**        The matters not covered by this Constitution and By-Laws must be settled in accordance with the CUPE National Constitution.

In the event of discrepancies or a conflict between a provision of this Constitution and By-Laws or an amended version thereof and a provision of the CUPE National Constitution, the CUPE National Constitution will govern.

Bourinot's Rules of Order apply in regard to matters not covered by the Constitution and By-Laws of the Local Union or by the National Constitution.

**APPENDIX A LIST OF SITES/FACILITIES AND SECTORS**

<b>NAME</b>	<b>ADDRESS</b>
Centre d'hébergement et de soins de longue durée (CHSLD) de Lachine	650, Place d'Accueil, Lachine
Centre d'hébergement et de soins de longue durée (CHSLD) de Dorval	225, avenue de la Présentation, Dorval
Centre d'hébergement et de soins de longue durée (CHSLD) de Nazaire-Piché	150, 15 <sup>e</sup> avenue, Lachine
Centre d'hébergement et de soins de longue durée (CHSLD) de LaSalle	8686, rue Centrale, LaSalle
Centre d'hébergement et de soins de longue durée (CHSLD) Denis-Benjamin-Viger	3292, rue Cherrier, L'Île-Bizard
Grace Dart Extended Care Centre	5155, rue Sainte-Catherine Est, Montréal
Hôpital de LaSalle	8585, Terrasse Champlain, LaSalle
St. Anne's Hospital	305, boul. des Anciens-Combattants, Ste-Anne-de-Bellevue
Lakeshore General Hospital	160, avenue Stillview, Pointe-Claire
St. Mary's Hospital Center	3830, avenue Lacombe, Montréal
Centre local de services communautaires (CLSC) de LaSalle	8550, boul. Newman, LaSalle
Centre local de services communautaires (CLSC) de Dorval-Lachine	1900, Notre-Dame, Lachine
Centre local de service communautaires (CLSC) Ouest	2400, boulevard des Sources, Pointe-Claire
Centre local de services communautaires (CLSC) de Pierrefonds	13800, boul. Gouin Ouest, Pierrefonds
Centre local de services communautaires (CLSC) du Lac Saint-Louis	180, avenue Cartier, Pointe-Claire
Former Hôpital de Lachine	3320, rue Notre-Dame, Lachine
Douglas Mental Health University Institute	6875, boul. LaSalle, Verdun
Batshaw Youth and Family Centres	5, Weredale Park, Westmount
	6, Weredale Park, Westmount
	137-141, rue Elm, Beaconsfield
St. Catherine	4515, rue Sainte-Catherine Ouest
Youth Division (court)	410, rue Bellechasse Est
Tupper	4039, rue Tupper, Westmount
Frontenac	191, Place Frontenac, Pointe-Claire
Dorval Campus	625, avenue Dawson, Dorval
Oasis	625, avenue Dawson, Dorval
Bailey	625, avenue Dawson, Dorval
Crossroad (1 and 2)	625, avenue Dawson, Dorval
Bourbonnière Group Home	7587, boul. LaSalle, LaSalle, Québec, H8P 1X9
Colton Group Home	4559, rue Oxford, Montréal, H4A 2Y9
Couvrette Group Home	1782, rue Couvrette, Ville St-Laurent, H4L 4T8
De Maisonneuve Group Home	4331, boul. De Maisonneuve, Westmount, H3Z 1L2
Dornal Group Home	4912, ave. Dornal, Montréal, H3W 1W2

Hawkins Group Home	5455, chemin de la Côte St-Antoine, Montréal, H4A 1R1
Roxboro Group Home	105, 4 <sup>e</sup> avenue Sud, Roxboro, H8Y 2L6
Odyssey Group Home	4840, boul. Cavendish, Montréal, H4V 2R3
Rudel Group Home	5475, chemin de la Côte St-Antoine, Montréal, H4A 1R1
Saint-James Group Home	6151, rue St-Jacques, Montréal, H4B 1T7
Tobin House	413, avenue Wolseley, Montreal West, H4X 1W4
CROM	8000, rue Notre-Dame, Lachine, H8R 1H2
Plateau Elm-Programme TED	231, avenue Elm, Beaconsfield, H9W 2E2
Résidence à assistance continue (RAC) Hickson	91, rue Hickson, Verdun, H4G 2H9
Résidence à assistance continue (RAC) Elm	231, avenue Elm, Beaconsfield, H9W 2E2
Benny Day Camp	2221, avenue Benny, Montréal, H4B 2R5
Programme Cartier	147, avenue Cartier, Pointe-Claire, H9S 4R9
Programme Alternative	16659, boul. Hymus Ouest, Kirkland, H9H 4R9
Programme Option	93, boul. Hymus, Pointe-Claire, H9R 1E2
Briarwood Church	70, boul. Beaconsfield, Beaconsfield, H9W 3Z3

#### Eastern sector:

- St. Mary's Hospital Center
- Grace Dart Extended Care Centre
- Douglas Mental Health University Institute
- Batshaw Youth and Family Centres

#### Central sector:

- Centre d'hébergement et de soins de longue durée (CHSLD) de Lachine
- Centre d'hébergement et de soins de longue durée (CHSLD) de Dorval
- Centre d'hébergement et de soins de longue durée (CHSLD) de Nazaire-Piché
- Centre d'hébergement et de soins de longue durée (CHSLD) de LaSalle
- Hôpital de LaSalle
- Centre local de services communautaires (CLSC) de LaSalle
- Centre local de services communautaires (CLSC) de Lachine
- Former Hôpital Général de Lachine
- West Montreal Readaptation Centre (CROM)

#### Western sector:

- Ste. Anne's Hospital
- Lakeshore General Hospital
- Centre d'hébergement et de soins de longue durée (CHSLD) Denis-Benjamin-Viger
- CLSC West
- Centre local de services communautaires (CLSC) de Pierrefonds
- Centre local de services communautaires (CLSC) du Lac Saint-Louis

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**APPENDIX B                      TRIAL PROCEDURE**  
**(CUPE NATIONAL CONSTITUTION 2021)**

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**CUPE NATIONAL CONSTITUTION AND BY-LAWS-APPENDIX F**  
**TRIAL PROCEDURE**

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**Purpose**

The purpose of the Trial Procedure is to provide members in good standing an internal process to have complaints against other members dealt with in a fair and impartial manner. The Trial Procedure is not to be used for political gain or to resolve interpersonal conflict which does not have a foundation in one of the enumerated offences outlined in Article F.1.

Members are expected to attempt to deal with issues prior to resorting to file a complaint. Concerns are best resolved when members discuss the issues amongst themselves and arrive at mutual solutions. This can be accomplished either through one on one conversation or through facilitated/mediated discussions.

The use of mediation can occur at any time once a complaint is filed including during a trial.

**F.1                      Offences**

A member who does any of these acts is guilty of an offence against this Constitution:

- (a) violates any provision of this Constitution or the approved bylaws of any chartered organization.
- (b) becomes a member by dishonesty or misrepresentation.
- (c) brings or urges another member to bring an action in court against the National Union, the National Executive Board, any officer of the National Union, a Local Union or any member of a Local Union about any matter related to the National Union or any chartered organization without exhausting any remedy under this Constitution.
- (d) attempts or supports an attempt to remove any member, group of members or Local Union from the Union.



- (e) produces or distributes any false report about a member of the Union about any matter related to the National Union or any chartered organization, verbally or in any other manner.
- (f) helps any organization competing with the Union in a way that is harmful to the Union.
- (g) steals or dishonestly receives any property of the National Union or any chartered organization.
- (h) uses the name of the Union or any chartered organization to request monies or to advertise without proper authorization.
- (i) without proper authorization, gives a complete or partial list of the membership of the Union or any Local Union to anyone who is not an official entitled to this information.
- (j) wrongfully interferes with the performance of duties by any officer or employee of the National Union.
- (k) sends out information designed or intended to harm or weaken the Union.
- (l) fails to respect the Local Union's picket line, works for the employer during a legal strike or labour dispute or engages in any strike-breaking activity.
- (m) acts in a way that is harassment or discrimination on the basis of sex, sexual orientation, gender identity, gender expression, language, age, race, ethnicity, ancestry, colour, place of origin, creed, disability, family status, marital status or record of offences.

## **F.2 Making a Complaint**

- (a) A member in good standing of the Union (the complainant) may charge a member or officer of the Local Union (the respondent) with an offence by sending a written complaint to the Recording Secretary of the Local Union. The written complaint will set out:
  - (i) The specifics of the complaint, citing in detail the nature of the complaint, the members involved, the date and circumstances of the alleged offence, a list of confirmed witnesses and documents the complainant intends to rely upon; and

- (ii) which parts of Article F.1 have been violated and the specific act or failure to act which constitutes the alleged violation.
- (iii) The complaint will be sent within 60 days after the complainant became aware of the offence.
- (b) The Recording Secretary will countersign the complaint and deliver a countersigned copy of the complaint or send it to the respondent by registered mail or by email within ten days of receiving it.
- (c) The Recording Secretary will forward a copy of the complaint and documents to the National President.

### **F.3 Determining Whether Sufficient Evidence Exists to Establish an Offence**

- (a) The National President will appoint an Investigator to review the complaint and determine whether it meets the requirements set out in Article F.2, and if sufficient evidence exists to establish an offence. The Investigator will report their findings and recommendations to the National President, the complainant and the respondent within 30 days of appointment.
- (b) The Investigator will meet with the complainant and respondent either in person or through teleconference.
- (c) The complainant may appeal a finding that there is not sufficient evidence to establish an offence case within 14 days of receipt. The National President upon receipt of an appeal will appoint three members of the National Executive Board within 14 days of receipt to hear the appeal and render a decision as soon as possible.

### **F.4 Trial Panel and Trial Committee**

- (a) The National Executive Board, upon recommendation of the National President, will appoint members from each region to serve as Trial Panelists for their respective regions.
- (b) Where sufficient evidence exists to establish an offence, and the matter has not been settled through mediation, the National President will appoint three members of the Regional Trial Panel to serve as the Trial Committee. If the complainant or respondent objects with valid reasons to the appointment of

a member to the Trial Committee, the National President may appoint another member.

- (c) Members who have a complaint alleging a violation of Article F.1(m) may opt to use an alternate process adopted by the National Executive Board.
- (d) If a complaint or complaints charge two or more accused with an offence or offences based on facts, issues or circumstances that are similar or related, as determined by the National President, one Trial Committee will be selected to hear and decide the complaint or complaints.
- (e) The National President will assign a National Representative to provide support, advice and guidance concerning procedural matters to the Trial Committee.

## **F.5 Trial Committee**

- (a) Prior to the commencement of the private hearing the Trial Committee will convene a teleconference with the complainant and respondent and their respective representatives to deal with preliminary matters concerning the trial including procedural questions.
- (b) The Trial Committee will hold a private hearing into the complaint or complaints within 30 days of being selected. The Committee will give at least 14 days' written notice to the complainant and the respondent of the time and place of the hearing. The notice will be delivered in person or sent by registered mail or by email.
- (c) The Trial Committee decides its own procedure in accordance with the rules of natural justice. The Committee can accept any oral or written evidence that it considers proper, so long as every member receives a fair and impartial hearing. The Trial Committee can decide any preliminary objection to the complaint and can dismiss the complaint. The Trial Committee will make the necessary arrangements to have a record of the hearing. The Trial Committee must act with all three members.
- (d) The cost of conducting a trial will include lost wages and reasonable expenses for the Trial Committee, the cost of a hearing room and the cost of keeping a record of the trial. The cost of the trial will be borne by the Local Union where the complaint originates.

- (e) The Local Union is not responsible for the costs of either the complainant or the respondent. However, should the Local Union agree to pay the costs for one party to the complaint, then they are obligated to pay the costs for both the complainant and the respondent.
- (f) The complainant is required to prove that the respondent has committed an offence or offences.
- (g) The respondent and the complainant have the right to be present at the hearing, to call witnesses and to cross examine witnesses called by the other side. They may choose someone to represent them at the hearing or at any other time from when a complaint is filed to when the complaint is resolved. The representative must be a member in good standing of a trade union affiliated to the Canadian Labour Congress, unless the law does not permit this restriction.
- (h) If either the complainant or the respondent does not attend the hearing, the Trial Committee can dismiss the complaint, adjourn the hearing or hold the hearing and decide the complaint in their absence. The Committee can set terms that it considers appropriate for granting an adjournment. The Committee must consider the duty to accommodate when a request for an adjournment is made.
- (i) The Trial Committee decides whether the respondent is guilty of the offence or offences by a secret ballot vote. The respondent is guilty only if at least two members of the Committee vote guilty.
- (j) If the respondent is found guilty, the Trial Committee will decide any penalty and what, if anything, the respondent must do or not do. The decision may include:
  - (i) a reprimand;
  - (ii) a fine where permitted by law;
  - (iii) a suspension or expulsion from membership except where such suspension or expulsion from membership would lead to termination of employment;
  - (iv) a ban against holding membership or office;
  - (v) an order to stop doing the act or acts complained of;

- (vi) an order to correct the act or acts complained of; or
- (vii) any other order that the Trial Committee finds appropriate in the circumstances.
- (k) The Chairperson of the Trial Committee will report the Committee's decision to the respondent and the complainant and the National President. The Chairperson of the Trial Committee when reporting to the National President will also provide the record of the hearing. The National President will report the decision to the Recording Secretary of the Local Union. The decision of the Trial Committee will be recorded in the minutes of the next general membership meeting.

## **F.6 Appeal**

- (a) The respondent can appeal a finding of guilt and any penalty or order by sending a written appeal to the National President. The appeal must be made within 30 days of when the decision of the Trial Committee was reported to the respondent. The complainant cannot appeal the decision of the Trial Committee.
- (b) The written appeal by the respondent will set out:
  - (i) the part or parts of the decision that are being appealed;
  - (ii) the date on which the decision was reported to the respondent;
  - (iii) the reasons for the appeal;
  - (iv) whether the respondent wants a hearing or wants to make submissions in writing;
  - (v) the desired location, if a hearing is requested; and
  - (vi) the remedy requested by the respondent. The respondent will send the appeal to the National President by registered mail or by email and will send a copy of the appeal to the complainant and to the Recording Secretary of the Local Union.
- (c) On receiving a copy of the appeal, the National President will send a copy of the record of the Trial Committee to the complainant and the respondent.

- (d) On receiving the appeal, the National President will appoint three members of the National Executive Board to be the Appeal Panel. The Appeal Panel cannot include any member of the National Executive Board who has heard an appeal in the case under Article F.3(c). The **Appeal** Panel will hear and decide the appeal. The Appeal Panel will determine its own procedure and will give the parties a full opportunity to present their case and make submissions on the issues in the appeal.
- (e) If the respondent requests a hearing, the Appeal Panel will send notice to the complainant and the respondent of the time and place of the hearing. The notice will be sent by registered mail or by email at least one month before the hearing.
- (f) The respondent and the complainant have the right to be represented at the appeal hearing. The representative must be a member in good standing of a trade union affiliated to the Canadian Labour Congress, unless the law does not permit this restriction.
- (g) The Appeal Panel can confirm or set aside the finding of guilt and can confirm, change or set aside any penalty or order made by the Trial Committee. The Appeal Panel will make its decision within 90 days of the completion of the hearing or written submissions. The decision of the Appeal Panel is final and binding.
- (h) The penalty or order of the Trial Committee will not be enforced until:
  - (i) the Appeal Panel has made its decision;
  - (ii) the respondent gives up the right to appeal; or
  - (iii) the respondent fails to appeal the decision of the Trial Committee as set out in Article F.6 (a) and (b).
- (i) If the appeal is upheld in whole or in part, the Local Union will pay the travel and accommodation expenses of the respondent for attending the hearing before the Appeal Panel. Travel and accommodation will be paid at the rate outlined in the Local Union bylaws. If the appeal is dismissed, the respondent will pay their own expenses.
- (j) The Appeal Panel will report its decision to the complainant, respondent, the National President and the Recording Secretary of the Local Union. The decision of the Appeal Panel will be reported to the next membership meeting and recorded in the minutes of the meeting.

**APPENDIX C**                      **CUPE-2881 EXPENSE POLICY**

# Expense policy and procedure

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## **HOME BASE**

In this policy, home base refers to the employee's usual home base.

## **EXPENSE REPORT**

All claims must be made on a form provided for that purpose, which must be signed by the person making the claim. It must include all explanations relating to the expense claimed, as well as all related receipts. The claimant must comply with the present regulations in order to be reimbursed. Expense reports are submitted to the Secretary General.

The expense report must be sufficiently self-explanatory. An example of an expense report is appended to this Constitution and By-Laws, with the necessary explanations, as it should be presented, to facilitate proper distribution in the receipts and disbursements journal.

To help with tracking and recording expense reports, they must be submitted no later than sixty (60) days after the date of the activity. They must be submitted, duly completed, on the first day of the month or, at the latest, six (6) months following the end of the month in which the expenses were incurred. Failure to provide the claim within these time limits will result in forfeiture of the right to reimbursement, unless a reason acceptable to the President and the Secretary General is provided.

## **EXPENSES NOT PROVIDED HEREIN**

All expenses other than those mentioned herein must be authorized by the President and the Secretary General **in accordance with the Local Union's Constitution and By-Laws.**

## **ADVANCE POLICIES**

A monetary advance may be paid to persons who are required to take part in union activities outside the institution. This advance will cover per diem allowances and may also cover travel and accommodation expenses, where applicable.

## **INTERPRETATION OF THE EXPENSE POLICY**

Questions relating to the interpretation of this policy are the responsibility of the President or the Secretary General.

Any person who disagrees with the interpretation of this policy may bring an appeal to the executive committee.

## **EXPENSES REIMBURSED**

### **PURCHASE OF EQUIPMENT**

The purchase of durable goods, including computer equipment and office furniture, must be approved by the executive committee in accordance with the Local Union's Constitution and By-Laws. The Secretary General is required to ask for at least two written quotations in order to obtain the best price.

### **FINES**

No fines are reimbursed.

### **DONATIONS AND SPONSORSHIPS**

The Local Union's donations policy provides the guidelines for giving donations.

The Local Union will favour organizations that support a cause the Local believes in. All donation requests must be approved by the executive committee in accordance with the budget projections approved by the general assembly.

### **CHILDCARE EXPENSES**

The payment of childcare expenses may be possible, after approval by the executive committee prior to the activity.

### **PARKING COSTS**

Parking costs are reimbursed upon presentation of supporting documents.

Parking meter costs are also reimbursed.



## ROOM RENTALS

To save money, preference should be given to rooms that can be used for free.

Whenever possible, rooms at the SCFP, the FTQ or CIUSSS-ODIM facilities must be used. Failing this, rooms at public or community organizations should be used. If hotel conference rooms must be rented, preference should be given to unionized establishments.

Room rental fees for meetings or assemblies are reimbursed upon submission of the bill.

## ***Individuals required to attend a union activity that does not require the use of accommodations***

## PER DIEM ALLOWANCES

One-day meeting: \$33.50

No per diem will be allowed for working from home, the home base or the office where the officer normally performs their work, unless the officer attends a committee provided for herein.

If work or assignments with responsibilities are required by the committees or the office at the following times:

Ø before 8:00 a.m. (breakfast):	a \$20.10 per diem is given
Ø after 6 p.m. (supper):	a \$53.60 per diem is given
Ø after midnight	a \$26.80 per diem is given

## MILEAGE

Mileage expenses **in excess of** the mileage normally incurred from the member's home to the home base are reimbursed at the rate of \$0.62 per kilometre. The home base is the departure point for calculating the mileage.

The union favours use of public transit.

## CARPOOLING

When more than one person is travelling to the same event, carpooling with as many people as possible is preferred.

## ***Individuals required to attend a union activity that requires the use of accommodations***

### **PER DIEM**

One-day meeting: \$100.50 per day

If meetings or assignments with responsibilities continue past midnight, an additional per diem allowance of \$25.10 is granted.

Individuals who must travel the day before or the day after a meeting: a sum of \$100 per day is granted.

### **ACCOMMODATIONS**

Accommodation expenses incurred for travel away are reimbursed upon presentation of supporting documents. The rate for rooms booked to attend a convention or conference must be comparable to the price of the rooms set aside for the convention or conference organizers. If no rooms are reserved, the amount reimbursed to members must be comparable to the standard price for a room. Employees who stay with a relative when conducting union business are entitled to a reimbursement of \$40 per day if such payment does not trigger an additional expense for the union.

### **TRAVEL AND MILEAGE**

Airfare, bus and train tickets and taxi expenses are reimbursed upon receipt of supporting documents. The form of transportation must be approved in advance by the Secretary General or the President.

Mileage is reimbursed at the rate of \$0.62/km. However, to save money, if a group is required to travel to an official union activity and a car rental is more economical, the latter must be considered.

If an individual uses their personal vehicle instead, they are reimbursed the amount that would have been incurred for a car rental.

### **LONG-DISTANCE CALLS**

Individuals who must make long-distance calls to perform their duties are not required to bear these costs.

The cost of personal long-distance calls that are reasonable in length and frequency will be reimbursed to any member outside the area.

## REIMBURSEMENT POLICY FOR DEMONSTRATIONS

When the Local Union is invited to take part in a demonstration or mobilization activity, the following guidelines apply:

If a bus is provided for the activity, participants will not be reimbursed for mileage.

If a meal is provided during the activity, there will be no per diem allowance for the day.

If a bus and a meal are provided, the union will be able to invite everyone.

If neither transportation nor meals are provided, the executive committee, in order to decide the number of individuals who will take part in the activity, will determine a reasonable size for the delegation. If no transportation to the event is provided, carpooling is strongly advised.

The members of the delegation will then be entitled to a per diem allowance, plus mileage, if applicable.

The individuals who are off work on the day of the event will not be granted union leave for their attendance.

\*Note that the rates in this policy are indexed to those of the CPAS expense policy.