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BY E-MAIL

July 5, 2024

Marcos Salib
National Representative
Moncton Area Office

Dear Marcos:

I am writing in response to your letter of May 6, 2024 with which proposed amendments to Local 3433's bylaws were submitted for approval.

Since the most current document on file was dated in 2020, and the National Constitution has been amended since then, I have reviewed this recent set of bylaws in its entirety to ensure compliance. For the most part, the document has been found in conformity with the National Constitution. I do, however, have certain recommendations to make, some of which will require amendments to ensure conformity.

SECTION 4 – MEMBERSHIP MEETINGS – REGULAR AND SPECIAL

(d) Delegates at the 2019 National Convention adopted an amendment to Article B.6.1 of the National Constitution to add to the membership meeting's agenda an acknowledgement of the Indigenous nations on whose land the meeting is taking place, and to raise awareness about Indigenous peoples' presence in their territories. Local 3433 will need to amend the Order of Business when it next reviews its bylaws to include this agenda item.

The local may consult native-land.ca or their local Friendship Centre at nafc.ca to get advice about Indigenous territory. Division or Regional Indigenous Councils or members of the National Indigenous Council may also be of assistance.

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MARK HANCOCK
National President/Président national

CANDACE RENNICK
National Secretary-Treasurer/Secrétaire-trésorière nationale

PATRICK GLOUTNEY, FRED HAHN, SHERRY HILLIER, GINA MCKAY, KAREN RANALLETTA
General Vice-Presidents/Vice-présidences générales

SECTION 8 – DUTIES OF OFFICERS

j) Past Officer

First Bullet – This provision should be amended to include the Treasurer, as outlined in Section 6.

SECTION 9 – SIGNING OFFICERS

Article B.4.4 of the National Constitution states, in part, that “*All other expenditures must be paid by cheque or recognized electronic payments approved by the Secretary-Treasurer and the President or another signing officer*”. The last sentence of this provision leads one to believe that a cheque could be signed by any two Signing Officers, and not necessarily the Secretary-Treasurer. Only in very specific circumstances such as cases of absence or vacation can the Secretary-Treasurer of the local be relieved from their responsibility. All that would be required at this point is for the last sentence to end with some additional wording such as “one of which must be the Secretary-Treasurer”.

SECTION 10 – OUT OF POCKET EXPENSES AND TRAVEL ALLOWANCE

(a) Out of Pocket Expenses

Although it is permissible to provide for out-of-pocket expenses to be increased, the new amounts should, for easy reference by the membership, be updated in the bylaws on a regular basis.

SECTION 11 – FEES, DUES, AND ASSESSMENTS

(a) Initiation Fee, Readmission Fee and Membership

Article B.3.8 of the National Constitution was amended at the 2023 National Convention to remove the initiation fee requirement for each person admitted to membership. Locals are no longer required to remit a \$1.00 initiation fee to the National Union for each new member. If Local 3433 wishes to stop collecting initiation fees, it may be removed next time they review their bylaws but, in the meantime, it remains in effect, but the amounts received do not have to be sent to the National Union.

CODE OF CONDUCT

Please take note that delegates at the 2021 National Convention adopted amendments to the Code of Conduct found at Appendix E of the National Constitution. The Code of Conduct now applies to events held by a Local Union. You will find the new text at <https://cupe.ca/cupe-code-conduct>. I recommend that the Code of Conduct be included as an appendix for reference by the members. The local may use the attached proposed language.

Except for the required changes mentioned above, the bylaws are in compliance with the National Constitution. Therefore, I am pleased to confirm their approval in accordance with the provisions of Article XII and I look forward to hearing from you again with respect to my comments above.

In solidarity,

A handwritten signature in black ink, appearing to read 'MH' followed by a stylized flourish.

MARK HANCOCK
National President

:ms/cope 491 | Encl.

cc: A. Rao; S. Harding; C. Bourgeois; K.C. Hingley, President, CUPE Local 3433; A. deBruijn, Grievance Officer, CUPE Local 3433

Appendix __

Code of Conduct

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

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

This Code of Conduct sets out standards of behaviour for participants at national convention, conferences, schools, meetings, and any other union events organized by CUPE National, Local _____, or any other CUPE chartered body. It is consistent with the expectations outlined in the Equality Statement and the CUPE National Constitution.

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

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

- Abide by the provisions of the Equality Statement.
- Respect the views of others, even when we disagree.
- Recognize and value individual differences.
- Communicate openly.
- Support and encourage each other.
- Make sure that we do not harass or discriminate against each other.
- Commit to not engaging in offensive comment or conduct.
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating.
- Take responsibility for not engaging in inappropriate behaviour due to use 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 the 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 them 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. A complaint shall be brought to the attention of an ombudsperson when there is one available. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
3. The ombudsperson or the person in charge will work to seek a resolution. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge. The person in charge has the authority to expel members from the event for serious or persistent offenses.
4. If the complaint involves a national staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another CUPE chartered organization, the complaint shall be referred to the person responsible for their employment.
5. If the person in charge is a party to the complaint, an alternate will be designated to assume the role.
6. In a case where a member has been expelled from a National event, the National President shall receive a report on the matter. For other events, the presiding officer shall receive a report on the matter.
7. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National. For other events, the presiding officer shall consult the National President.

This Code of Conduct is designed to create a safe, respectful, and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the 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 under Appendix F of the CUPE National Constitution.