



**SCFP/CUPE**

LOCAL SECTION 4047

## **Bylaws**

(As passed Sept 27, 2012 by Local Executive & Local Membership)  
(Sent to CUPE National President Paul Moist on Nov 14, 2012, responded to by CUPE National President Paul Moist on Feb 13, 2013 with corrections made and recommendations added and passed at Local Membership meeting of September 26, 2013)

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## **P R E A M B L E**

In order to improve the social and economic welfare of its members without regard to sex, colour, race or creed, to promote efficiency in public employment and to manifest its belief in the value of the unity of organized labour, this Local of the Canadian Union of Public Employees (hereinafter referred to as CUPE) has been formed.

The following Bylaws are adopted by the Local pursuant to, and to supplement, Appendix "B" of the CUPE Constitution, and the By-Laws of the Airline Service Division and the Air Transat Component, to safeguard the rights of all members, to provide for responsible administration of the Local, and to involve as many members as possible through the sharing of duties and responsibilities.

## **SECTION 1 – NAME AND JURISDICTION**

The name of this Local shall be: Canadian Union of Public Employees, Local 4047 and shall be comprised of members employed by Air Transat, who are based in Toronto, temporarily or permanently.

## **SECTION 2 - OBJECTIVES**

The objectives of the Local are to:

- a) Establish at all times the highest possible wage standards, job security and conditions of employment for its members with particular regard to the welfare of women, either through collective bargaining or through the medium of legislation or regulations affecting its members, which will improve, protect and increase the safety of their employment conditions;
- b) Support CUPE in reaching the goals set out in Article II of the CUPE Constitution;
- c) Work with the Component, other Locals and the Division to achieve the union's objectives;
- c) Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- e) Establish strong working relationships with the public we serve and the communities in which we work and live;
- f) Represent the interests of the Local members as part of the Component's Negotiating Committee;
- g) Settle promptly disputes and grievances which may arise between its members and their employer in accordance with procedures established with its Local;
- h) Administer and enforce the collective agreement with its Local, in conjunction with its Component and in all other respects;
- i) Inform regularly all Local members on the matters affecting the union, including Local activities to fulfill union objectives;

- j) Establish and maintain Local Committees in accordance with these Bylaws;
- k) Receive and administer the union dues received from the Component, in accordance with these Bylaws and the Airline Service Division Bylaws;
- l) Establish and approve a Local budget;
- m) Affiliate, on a voluntary basis and finances permitting, to labour councils, provincial federations of labour, CUPE district councils, CUPE provincial divisions and other labour bodies.

### **SECTION 3 - INTERPRETATION and DEFINITIONS**

- a) Masculine pronouns shall be understood to include the feminine gender.
- b) Numbers of Articles at the end of sections or sub-sections refer to relevant articles of the CUPE Constitution (2011) that should be read in conjunction with these Bylaws.

### **SECTION 4 – MEMBERSHIP MEETINGS – Regular and Special**

- a) Regular meetings of a Local may be called monthly, but in any event, not less than quarterly. A minimum notice of fourteen (14) days shall be given for all regular membership meetings.
- b) Special membership meetings may be ordered by the Local Executive or requested in writing by no fewer than 10% of the membership. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least 14 days notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than for which the meeting is called and notice given. If a special meeting is called by the Local President, the 14 days advance notice will also be respected.
- c) As a courtesy, the Local President shall invite the Component Officers and notify them as soon as possible when a meeting is scheduled.
- d) A quorum for the transaction of business at any regular or special meeting shall be 5 members, including at least two (2) members of the Local Executive Board. In addition, members of the Local Executive Board shall not make up more than 50% of quorum.



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

1. Roll call of Officers
2. Equality Statement
3. Voting on new members and Initiation
4. Reading of Minutes
5. Matters arising
6. Treasurer's Report
7. Communications and bills
8. Executive committee Report
9. Reports of committees and delegates
10. Nominations, Elections, or Installations
11. Unfinished business
12. New business
13. Good of the Union
14. Adjournment

## **SECTION 5 - VOTING OF FUNDS**

The Local Executive may spend up to \$1.00 per member without prior approval on non-budgeted items. However, any excess of this amount must be approved in advance by the majority of the Local membership at a Local meeting.

## **SECTION 6 - LOCAL OFFICERS**

The Officers of the Local shall be the President, three (3) Vice-Presidents, The Recording Secretary-Treasurer, (also know as Union Activisit), and three (3) Trustees. All officers shall be elected by the membership. (Articles B.2.1. & B.2.3)

## **SECTION 7 - LOCAL EXECUTIVE**

- a) The Local Executive shall be comprised of the Local President, three (3) Local Vice-Presidents, a Recording Secretary Treasurer (also to be called Union Activist) and does not include the Trustees. All officers shall be elected by the membership. A By-Law change will be initiated to increase the number of Vice-Presidents if there is an increase in membership size. (Article B.2.2.)

- b) The Local Executive shall meet once every month either in person or by conference call or web-based meeting. Due to the nature of our industry, and to reduce expenses, if the local executive cannot meet monthly, they will meet before every membership meeting, and at least 8 times per year (B3.14) The Local President shall chair the Local Executive.

Any member of the Local Executive can request a meeting of the Local Executive at any time.

- c) A majority of the Local Executive constitutes a quorum.
- d) The Local Executive shall do the work delegated to it by these By-laws and shall be held responsible for the proper and effective functioning of all committees.
- e) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution. (Article B11.1 to B.11.5)
- f) Should any Local Executive member fail to answer the roll call for three consecutive regular meetings or three consecutive executive meetings without having submitted good reasons for those failures, his office shall be declared vacant and shall be filled by an election at the following membership meeting. (Article B.2.5)

## **SECTION 8 - DUTIES OF OFFICERS**

- a) The President shall:
- Be responsible for the conduct of the affairs and business of the Union and the Local, including representing the interests of the Local members in negotiations;
  - Call and preside over all Local meetings, preserve order, enforce the Constitution, and generally exercise supervision over all Local activities;
  - Appoint and ensure proper functioning of all Local Committees in consultation with the Local Executive;
  - Ensure to convey the thoughts and needs of the members to the Component and to CUPE;
  - Ensure the proper handling of all grievances;
  - Attend educational and training courses that improve member representation;
  - Represent local members at conventions, councils and conferences;



- File a copy of all letters sent out and keep on file all communications;
- Be responsible for enforcing the provisions of the Collective Agreement and any rules or letters of understanding arising out of negotiations;
- Endeavour to correct or adjust any violations of the provisions of the Collective Agreement;
- Be a member of all Committees at the Local level ex-officio;
- Ensure that all officers perform their assigned duties;
- Fill committee vacancies where elections are not provided for;
- Introduce new members and conduct them through the initiation ceremony;
- Sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, Bylaws, or vote of the membership;
- Be responsible for ensuring that the Local will use a grievance grid to list their grievances with a brief outlook and have this grid forwarded to the Component at the beginning of every month;

b) The Vice-Presidents shall:

- Report directly to the Local President concerning their union duties, activities, and functions;
- If the President is absent or incapacitated, perform all duties of the President;
- If the office of President falls vacant, be Acting President until a new President is elected; The executive shall vote at the first executive meeting after election on which of the Vice-Presidents will be considered First Vice-President that will become acting President;
- Perform such duties from time to time that may be assigned by the Local President and/or the Local Executive;
- Render assistance to any member of the Local Executive as directed by the Local Executive) (B3.2)

c) The Recording Secretary-Treasurer, (also known as Union Activist) shall:

- Be responsible for supervision of the financial affairs of the Local;
- If the President and or/ Vice President is absent, unavailable or incapacitated, perform all duties with the same responsibilities and obligations of the President and/or Vice President;
- Be responsible for establishing and supervising proper accounting procedures in the receipt and disbursement of funds in accordance with the Local By-laws;
- Prepare and submit to the Local Executive for approval a budget of the anticipated revenue and expenses of the Local for the upcoming fiscal year, prior to the beginning of the fiscal year;

- Ensure quarterly financial statements are prepared and submitted to the Local President;
- Make a full financial report in writing to each Local meeting and Executive Board meetings, detailing all income and expenditures for the period, and report any recommendations and or concerns from the Trustees;

- Throughout his/her term, and on behalf of the Local Union membership, be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for every disbursement made, receipts for all money sent to CUPE national, as well as records and supporting documents for all income received by the Local;
- Give all financial records, invoices, original bank statements and other supporting documents to the Trustees for an audit a least once each calendar year; the audit must be forwarded to the local President and CUPE;
- Respond in writing and within a reasonable time to any concerns or recommendations in the written report made by the Trustees as set out in Article B. 3.12 of the constitution;
- Be present at the audit of the last year they were active in case of resignation or change of Recording Secretary Treasurer (union activist);
- Be responsible for maintaining up-to-date membership records;
- Be bonded through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;
- Sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, bylaws, or vote of the membership;
- Be in charge of books, documents, files, and effects of the Local which shall be at all times subject to inspection by the President;
- On termination of office, surrender all books, seals and other properties of the Local to his successor.(Articles B.3.4 to B.3.9)
- Keep a correct, full and impartial record of the proceedings of each meeting of the Local Union, all the meetings of the Local Executive and any other meetings as may be deemed necessary. Each record of the proceedings shall include a copy of the full financial report presented by the Secretary-Treasurer, and shall be forwarded to the members of the Local Executive within 21 days after the meeting. The record will include a copy of reports presented by the trustees
- The Recording-Secretary Treasurer shall perform such other duties as the Local Union or Constitution may direct. (Article B.3.3)

d) The Trustees shall:

- Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, at least once every year;
- Make a written report of their findings to the first membership meeting following the completion of each audit;
- Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner;
- Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
- Ensure that proper financial reports are made to the membership;
- Ensure that there are motions approved by the membership to substantiate all non-budgeted expenditures by the Local;
- Audit the record of attendance;
- Inspect at least once a year any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the membership;
- Send a copy of the completed audit report (on the prescribed form provided by the National Secretary-Treasurer), as well as a copy of their report to the Local Union membership along with a copy of their recommendations and/or concerns to the President and Secretary-Treasurer and the Secretary-Treasurer's response, to the National Secretary-Treasurer of the Canadian Union of Public Employees, with a copy to the assigned servicing representative. (Articles B.3.10 to B.3.12)

## **SECTION 9 - OUT-OF-POCKET EXPENSES**

All expenses will be reimbursed with the agreement of the Local President and Secretary-Treasurer according to the expense claim policy document (Appendix B) adopted by the Local Executive and approved by the Local membership.

## **SECTION 10 - FEES, DUES, and ASSESSMENTS**

As per Component By-Laws, Section 10.

## **SECTION 11 - NON-PAYMENT OF DUES and ASSESSMENTS**

As per Component By-Laws, Section 11.

## **SECTION 12 - NOMINATION, ELECTION AND INSTALLATION OF OFFICERS**

### a) Nominations

Nominations shall be received at the regular membership meeting held the in the month of January or at the first meeting of the calendar year of the mandate should a meeting not be held in January. No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting his consent in writing with an original copy of a signed letter accepting the nomination. No member shall be eligible for nomination if he is in arrears of dues and/or assessments. These elections will be by a referendum vote of the local members (plurality system), the method of voting will be by mail out ballots and the candidates for each position who receive the most votes will be elected. In accordance with CUPE Constitution, nominees will take the oath of nomination. (Article 11.6b)

### b) Election

Local President, Vice-Presidents, Recording Secretary-Treasurer, will be elected by the membership to a two year term effective March 1 if the nominations were received in January, April 1 if the nominations were received in February or May 1 if the nominations were received in March of each election year. In the event of contract negotiations being incomplete, the term of office will be extended if elections are scheduled during the final stages of negotiations, provided, however, that no term of office shall be longer than three years (Article B.2.4). The time lines noted above will then be adhered to and the notice of elections will be sent out within 60 days following ratification.

### c) Filling Vacancies

The Local President's position shall be filled by the First Vice-President which will be determined by an executive vote following the election. Should there be a tie, they will proceed to a draw. The replacement President will retain that position until a by-election can be held.

- A vacant Vice-President(s) position shall be filled by election

- A vacant Recording Secretary Treasurer position shall be filled by election
- A vacant trustee position will be filled by election

d) Executive Election Procedure

The Local Tabulating Committee shall oversee the ballot procedures in a

Referendum vote affecting the Local membership as a whole. The committee shall consist of 5 members, which is inclusive of one chairperson, none of whom can be running in the election. Quorum shall be 4 members. All Local Tabulating Committee members shall be elected at a Local meeting when the nominations are received. The membership has determined that a mail out ballot procedure will be used for executive elections, Local elections shall be at least one day longer than the longest pairing in the month that voting will take place. If the longest pairing is not known, the ballots will be accepted for at least 9 days as 8 days is the longest pairing allowed,

e) Election of Trustees

Elections of Trustees will be in accordance with Article B. 2.4 of the CUPE Constitution.

f) Installation of Officers

In accordance with CUPE Constitution 11.6b all elected officers will take the oath of office.

g) Recall

A majority of the Local's membership may at any time petition the Local officers and cause a recall ballot of any Local Union Officer. In any such recall ballot, a two-thirds (2/3) majority vote of ballots cast shall be required to sustain a recall for any elected position and at least 50% of the total membership of the Local must vote in the recall for the results to be valid.

## **SECTION 13 - DELEGATES TO CONVENTIONS**

All delegates to conventions shall be chosen by election at membership meetings.

## **SECTION 14 - COMMITTEES**

- The President shall make a posting by memo placed in the members' Mailboxes and/or company emails and/or members' personal emails to allow anyone interested in one of the positions to submit their name.
- Following the posting the position shall be appointed by the Local President.
- All appointments to the committees shall be approved at the next Local meeting.
- The Local President may remove any local committee (chairperson/member) from his duties and this dismissal must be approved at the next Local meeting.
- Committees' representatives will answer questions from the members regarding their field of activities.
- Committee expenses not paid for by the Company will be paid in accordance with the "Policy on Local Expenses" (Appendix B)
- The committee chairperson will answer to the Local President, the Local Executive, and to the membership. He will also make the necessary recommendations to the Local Executive in order to improve the conditions of his field of activities.
- The committee chairperson will inform the Local Executive as soon as possible of any committee or company problem or difficulty that may affect the membership.

## **SECTION 15 - RULES OF ORDER**

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these bylaws as Appendix "A". These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws. In situations not covered by Appendix "A", the CUPE Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied.



## **SECTION 16 - AMENDMENT**

- a) These bylaws are always subordinate to the CUPE Constitution (including Appendix B) as it now exists or may be amended from time to time, and in the event of any conflict between these bylaws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President. (Articles 9.2(c), 13.3)
- b) These Bylaws shall not be amended, added to, or suspended except upon a 2/3 majority vote of those present and voting at a regular or special Local meeting, following seven (7) days notice at a previous meeting or at least sixty (60) days written notice.
- c) No change in these bylaws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President. (Articles 13.3)
- d) These bylaws have been approved and were passed both by the Local Executive and the Local Membership according to CUPE constitution and Rules of Order on September 27, 2012

## **APPENDIX "A" TO THE BYLAWS OF LOCAL 4047 CUPE**

### **RULES OF ORDER**

1. The President or, in his absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Secretary Treasurer shall act as President, and in his absence a President pro-tem shall be chosen by the Local.
2. No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had an opportunity. Chairpersons and movers of a resolution shall be limited to fifteen minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to

a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, the question shall then be put.

4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
5. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
6. On motion, the regular order of business may be suspended by a two thirds vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the Local.
8. At the request of any member, and upon a majority vote of those present, a question may be divided when the sense will admit of it.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or to make a motion, he shall rise in his place and respectfully address the presiding officer, but, except to state that he rises to a point of order or on a question of privilege, he shall not proceed further until recognized by the chair.
11. When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.
12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the Local or member thereof.
13. If a member, while speaking, is called to order, he shall cease speaking until the point is determined; if it is decided he is in order, he may again proceed.
14. No question of a sectarian character shall be discussed.
15. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he may in addition give a casting vote, or, if he chooses, refrain from breaking the tie, in which case the motion is lost.

17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen minutes have elapsed.
21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a division. A standing vote shall then be taken and the Secretary shall count same.
22. If any member wishes to challenge (appeal) a decision of the chair, he must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for his challenge. The Chairperson may then state briefly the basis for his decision, following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie the chair is sustained.
23. After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.
24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote.
25. The Local's business and proceeding of meetings, are not to be divulged to any persons outside the Local or the Canadian Union of Public Employees.

**APPENDIX "B"**  
**POLICY DOCUMENT ON LOCAL EXPENSES**  
**MEALS**

**MEALS**

- \$15.00 for lunch provided that 4 hours is spent working at office or at remote location.
- An additional \$20.00 allocation for dinner if at least 8 hours have been spent working at office or at remote location.
- \$10.00 allocation for lunch when working only from home for at least 4 hours and an allocation of \$13.50 for dinner when working only from home for at least 8 hours.
- Up to \$20.00 per person during a member's representation luncheon.

**TRANSPORTATION**

- \$0.55/kilometre for travel by car for union duties for gas, wear and tear. There shall be no maximum amount per day so as not to discriminate against but encourage participation from members outside of the GTAA proximity; but a maximum of \$750.00/month to keep within our budgetary constraints.
- TTC Monthly pass and/or Go Transit for full-time officers without a car.
- Parking and/or taxi at home base with receipt.
- Parking, Taxi, Car rental/fuel away from home base with receipt.
- The local President's home internet charges with receipt.

**OFFICE EXPENSES**

- Internet provider and associated expenses with receipts for Local office.
- All cell phone bills inclusive of Long Distance and data plan.
- Office related and miscellaneous expenses with valid receipt.

**ACCOMODATION & OTHER**

- Hotel with receipt if not direct billing.
- Per diem paid as per the collective agreement.
- Babysitting: \$35.00 per child to a maximum of a \$150.00 per month.
- (Applies to all members for attending any meeting and/or union duties).



### **COMMITTEE EXPENSES**

- Committees will receive budgeted amounts per year from the Local. At all times, a valid receipt will be required. Should any additional monies be required by a committee, then such committee will approach the Local Executive. Should the budget allow it and the Local Executive agree, the monies will be granted.

### **COMMON HOLIDAY-END OF YEAR-APPRECIATION DINNER**

- As all committee members volunteer their time throughout the year, the local executive shall invite committee members to a common holiday (end of year) celebration near the end of each year to thank these members for their time and offer our membership-wide appreciation of their work. The budget for this shall not exceed the meal allowance allowed per full day of work for each invited committee member.

All above expenses have been approved and were passed both by the Local Executive and by the Local Membership according to CUPE constitution rules of order.