

CANADIAN UNION OF PUBLIC EMPLOYEES

CUPE NOVA SCOTIA



CONSTITUTION

2017 - 2018

Approved by C.U.P.E. National July 2017

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Articles containing * denote approved changes from previous year's Constitution.

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ARTICLE 1 - NAME AND AUTHORITY

- 1:01 (a) The Organization shall be known as The Canadian Union of Public Employees - Nova Scotia Division, hereinafter known as CUPE Nova Scotia.
- (b) CUPE Nova Scotia shall be subject to the National Constitution of the Canadian Union of Public Employees.
- 1:02 The ultimate authority of CUPE Nova Scotia shall be the delegates of the Affiliated Locals and Organizations assembled in Convention.

ARTICLE 2 - AIMS AND OBJECTIVES

- 2:01 CUPE Nova Scotia is organized for the purpose of voicing and promoting the interests, needs and aspirations of its Members, Unions, and to give the fullest opportunity for them to participate in the discussions of those problems, upon the solution of which depends the economics and social security of all public employees and their dependents, individually and collectively.
- 2:02 The Organization shall meet annually in Convention, at which time the aims and objectives, policies, needs, interests, and aspirations of the Organization shall be established and/or revised.
- 2:03 The Organization shall endeavour to promote suitable legislative measures either on a Municipal, Provincial, Federal or Global level, to further the interests, aims and objectives of its member Unions.
- 2:04 This Organization stands for equality of treatment, and will oppose any discrimination of same wherever it occurs or appears.
- 2:05 This Organization shall co-operate with all recognized Labour organizations with similar aims and objectives to form a united front to help secure a full and just remuneration for all its members. It shall further endeavour to promote and establish harmonious relations between Employer and Employees, seek to adjust their troubles and eliminate any unjust conditions as they arise.
- 2:06 This Organization shall promote the interest and welfare of each Member, cultivate feelings of friendship and goodwill, and protect the moral and intellectual lives of its Members.
- 2:07 It shall be the policy of CUPE Nova Scotia to actively participate in the Labour Movement.
- 2:08 This Organization shall promote such educational, legislative, social and other activities as may assist the affiliate Locals.

ARTICLE 3- MEMBERSHIP

- 3:01 (a) Any Local in the Province of Nova Scotia, chartered to the Canadian Union of Public Employees, and in good standing, shall be eligible for affiliation to CUPE Nova Scotia.
- (b) Any District Council or Sectoral Committee in the Province of Nova Scotia, chartered to the Canadian Union of Public Employees and in good standing, shall be eligible for affiliation to CUPE Nova Scotia.
- 3:02 (a) The Executive Board may suspend and/or expel an affiliated Local - should the affiliated Local:
- i. be in arrears in payment of Per Capita Tax for a period of more than ninety days.
 - ii. be in arrears in payment of a Special Assessment for a period of more than ninety days.
- 3:03 Any Local withdrawing from the Division two or more times in a 5-year period shall pay arrears of 12 months Per Capita to be fully reinstated.

ARTICLE 4 - OFFICERS AND ELECTIONS

- 4:01 The Table Officers of CUPE Nova Scotia shall consist of President, Vice-President, Recording-Secretary, and Secretary-Treasurer.
- 4:02 The Table Officers of CUPE Nova Scotia shall conduct the day to day business of CUPE Nova Scotia in between Executive Board meetings.
- 4:02 (b) The day to day business is included in article 6 Duties of table officers.
- 4:03 The Officers of CUPE Nova Scotia shall consist of President, Vice-President, Recording Secretary, Secretary-Treasurer, one (1) Equity Vice-President, four (4) Area Vice-Presidents, three (3) Trustees and a Communications Editor.
- 4:04 The President, Vice-President, Secretary-Treasurer, Recording Secretary, Equity Vice-President, Area Vice-Presidents and Communications Editor shall be deemed to be delegates to the Convention with all rights and privileges and attend the Convention at the expense of CUPE Nova Scotia.
- 4:05 Any member of the CUPE Nova Scotia Executive Board serving as a Temporary CUPE National Representative shall temporarily step down from the Office of CUPE Nova Scotia as an Executive Board member, to be replaced by an Alternate where one exists, or an appointee of the Executive, until such time as the Temporary CUPE National position ends. The Board member will then resume the CUPE Nova Scotia term of Office.

ARTICLE 5 - ELECTION OF OFFICERS

- 5:01 Election of Officers shall be held on the morning of the closing day of the Convention.
- 5:02 No person shall be eligible for election to any Office unless he/she is an accredited delegate and a member in good standing of his/her Local union, and said person, if elected, shall retain Office so long as his/her Local union, or affiliated body remains an affiliate of CUPE Nova Scotia.
- 5:03 (a) Elections shall be done by secret ballot - one delegate, one vote. The successful candidate must receive a simple majority (50 percent plus 1 vote) of the votes cast. If no candidate on the first ballot receives a simple majority of votes cast, the candidate receiving the least number of votes shall be dropped in each successive ballot.
(b) Each nominee shall have a right to appoint a scrutineer(s) for each vote counting table, for which ballots for that office are being counted.
- 5:04 The election of each Office shall be completed before nominations may be accepted for any subsequent Office.
- 5:05 The newly elected Officers shall take Office immediately at the closing of the Convention. Upon completion of the election, the newly elected Officers shall come forward to the Convention platform and acknowledge this in their normal method, stating the following lines to the assembled delegates:

"I.....do most sincerely promise that I will truly and faithfully, to the best of my ability, perform the duties of my Office for the ensuing term as prescribed in the Constitution and By-laws of the Canadian Union of Public Employees, and as an Officer of this Union will at all times endeavor, both by counsel and example, to promote the harmony and preserve the dignity of its sessions. I further promise, that at the end of my official term, I will promptly deliver all monies, papers or other property of this Union in my possession to my duly elected successor in Office."

- 5:06 (a) Nomination and election of Officers will proceed in the following order:

Odd Years

1st President
2nd Recording Secretary
Area V.P. Halifax and Yarmouth
Equity Vice-President

Even Years

1st Vice-President
2nd Secretary-Treasurer
3rd Communications Editor
Area V.P. New Glasgow and
Sydney

Every Year

One (1) Trustee and two (2) Area Vice-Presidents: each to be elected in two (2) separate caucuses representative of the Locals serviced out of that respective area Office.

- 5:06 (b) If a position on a committee is vacant or vacated, other than at Convention a mail out shall go to all affiliated locals notifying them of the vacated position(s). Locals will be asked to forward expressions of interest to the Division Recording Secretary by the date set by the Executive Board. The successful applicant(s) shall be chosen by a majority vote of the Executive at the next Executive Board meeting.
- 5:06 (c) Delegates elected to Committees shall serve a term of two years and alternate as follows:

Committee - Odd Years:

Women's Committee, Human Rights, Political Action, Pension Committee

To align the Pension Committee up under "Odd Years", the Pension Committee will be elected for a 3-year term at the 2016 CUPE NS Convention. Starting at the 2019 CUPE NS Convention the Pension Committee will be elected as per this article to 2-year terms.

Committee - Even Years:

Health and Safety, Education, C.O.P., and Global Justice

NOTE:

Committee members shall be nominated from the floor and shall be elected by plurality vote of which one shall be a young worker. That is, four (4) nominees receiving the greatest number of votes shall form the Committee, in addition to the 4 elected on each Committee, there shall be an additional position of a young worker to be elected at Convention for a total of 5 Committee members.

In the event there is no expressed interest of a young worker the Executive has the ability to appoint a person to such committee.

ARTICLE 6 - DUTIES OF TABLE OFFICERS

6:01 PRESIDENT

- (a) The President shall be a full-time position and must be able to receive approval for such book-off time from their Employer. During his/her term of office the President shall receive his/her normal regular salary and benefits. The President shall also receive a stipend that together with his/her regular salary and benefits would equal no less than \$65,000.00 annually. This stipend would only apply to

those elected to the position of President whose salary and benefits were less than \$65,000.00.

- (b) The stipend referred to in Article 6:01 (a) shall be paid at the end of each month upon written verification from their Employer as to the exact amount of wages and benefits received and when all figures have been reconciled.
- (c) All approved activities and related expenses shall be compensated as per the financial guidelines of the CUPE Nova Scotia Constitution.
- (d) It shall be the duty of the President to preside at all Conventions of CUPE Nova Scotia, and all meetings of the Executive Board. The President, subject to the approval of the Executive Board, shall appoint such Standing Committees as are necessary for the proper functioning of the business, and he shall be an "ex officio" member of all Committees.
- (e) *The Regional Director of CUPE will appoint a Resource Person to a Committee.
- (f) The President shall preserve order and enforce the Constitution.
- (g) The President shall have the authority to interpret the Constitution and his interpretation shall be final and in full force and effect unless reversed or changed by the Executive Board, or by appeal to the Convention, or to the Canadian Union of Public Employees.
- (h) The President, or designate, is permitted to make "from the floor" donations, not to exceed \$300.00 per donation, at CUPE National Conventions, Nova Scotia Federation of Labour Conventions or CLC Conventions, provided that a majority of the Executive Board members in attendance are in agreement, and conditional on funds being available.
- (i) The President, or designate, with the approval of the majority of the Executive Board in attendance, is permitted to spend a modest sum of money, not to exceed \$500.00, to allow CUPE Nova Scotia to host or co-host a "hospitality event" at a CUPE event provincially, at CUPE National, Nova Scotia Federation of Labour or CLC Conventions, conditional on funds being available.
- (j) The President shall designate a member of the Executive Board to serve as a liaison member of Committees.

6:02 VICE-PRESIDENT

The Vice-President shall, in the absence of the President, preside and perform all duties pertaining to the Office of the President, and render such assistance as may be required. In the event that the Office of the President becomes vacant, he shall perform the duties of the President until a successor is elected.

6:03 SECRETARY-TREASURER

- (a) The Secretary-Treasurer shall be responsible for all financial matters and documentation of all books, papers and effects of CUPE Nova Scotia and shall conduct the correspondence pertaining to his Office subject to the direction of the Convention, Executive Board, and the President.
- (b) *The Secretary-Treasurer shall keep and maintain a correct and accurate record of all monies received, receipts, invoices and disbursements of CUPE Nova Scotia and produce a financial report for every meeting of Table Officers, the Board and to the Annual Convention of CUPE Nova Scotia.
- (c) The Secretary-Treasurer shall keep a record of the membership of each Local that has been submitted and submit a report identifying the affiliated Locals and membership to Convention.
- (d) The Secretary-Treasurer shall receive all monies due to the Organization and deposit promptly all monies in a credit union, to the credit of CUPE Nova Scotia.
- (e) The Secretary-Treasurer shall turn all books and records relative to receipts and disbursements over to the Trustees prior to Convention of each year for the preparation of an audited statement to be presented to the Executive Board and to the Annual Convention of CUPE Nova Scotia.
- (f) The Secretary-Treasurer shall close all accounts of CUPE Nova Scotia at the end of the quarter immediately preceding the Annual Convention, and all monies received and disbursed after that date shall not be reported in the general balance account to the Convention. He shall have the financial report printed as approved by the Trustees as a separate document for submission to the Convention, and shall forward a copy to the National Secretary-Treasurer.
- (g) All payments made on behalf of CUPE Nova Scotia shall be by cheque.
- (h) The voucher system shall be used for all payments and these vouchers are to be signed by the Secretary-Treasurer, and one of the other two signing officers.
- (i) No other person shall have the authority to make purchases for CUPE Nova Scotia, except from a voucher signed by the President and

Secretary-Treasurer, or in the absence of either or both the officers, by any two of the three signing officers.

- (j) It shall be the duty of the Secretary-Treasurer to send out quarterly, a statement to all Locals in arrears showing the Per Capita Tax standing of the Local to whom it is sent, and point out Article 3 of the Constitution of CUPE Nova Scotia.
- (k) *The Secretary-Treasurer and President shall prepare a proposed budget for the oncoming year. This proposed budget shall be presented to the Executive Board for discussion and approval.
- (l) The Secretary-Treasurer shall be bonded in such amount as may be determined by CUPE National.

6:04 RECORDING SECRETARY

1. The Recording Secretary shall keep a correct and impartial record of the proceedings of the Annual Convention and all meetings of the Table Officers & Executive Board meetings.
2. The Recording Secretary shall prepare a summarized report of the Annual Convention, and forward a copy of the report to all affiliated Locals within three months from the close of the Convention.
3. The Recording Secretary shall forward a draft copy of the minutes to each member of the Executive Board within four (4) weeks of the meeting.
4. The Recording Secretary shall forward a summary of the business conducted at each Executive Board meeting to the Atlantic Regional Director.
5. The Recording Secretary shall keep the President and members of the Executive Board informed of all important correspondence received between Executive Board Meetings.
6. The Recording Secretary shall attend to all correspondence received pertaining to his Office on the President's direction.
7. The Recording Secretary shall perform any other duties as directed by the Convention, the Executive Board, or the President.
8. Items for discussion at Executive Board Meetings shall be forwarded to the Recording Secretary one (1) week before the date of the meeting so that they may be placed on an agenda. Items may be added at the meeting but will only be dealt with after the agenda has been completed.

6:05 DUTIES OF BOARD MEMBERS

(a) TABLE OFFICERS

See Articles 6:01, 6:02, 6:03 and 6:04.

(b) AREA VICE – PRESIDENT

- i. Area Vice-Presidents will maintain close liaison with CUPE Locals and District Councils of the area they represent and keep them informed of all matters which may affect the general welfare of CUPE Members throughout the province.
- ii. Area Vice-Presidents shall submit a written report to each Executive Board outlining the present conditions of Locals in their area regarding negotiations, grievances, classifications, or other pertinent information.
- iii. Area Vice-Presidents will attend every Executive Board meeting, or, if unable to attend, they shall designate their Alternate to attend.
- iv. Area Vice-Presidents should try to keep in touch with unaffiliated Locals in their areas with a view to encourage them to affiliate with CUPE Nova Scotia.

(c) EQUITY VICE – PRESIDENT

The Equity Vice President acts as an advisor to the CUPE Nova Scotia Executive Board. The Equity Vice-President shall seek written approval prior to attending events as it relates to the position and will work with the CUPE National Equality Staff Representative on all matters of equality.

*The Equity Vice-President shall hold a caucus meeting for equality seeking members at the annual CUPE Nova Scotia Convention. They shall work in conjunction with the provincial Equality Staff Rep and National Equity Committees. This meeting will work to develop plans of actions with like-minded committees of CUPE Nova Scotia namely with the Human Rights, Women's and other committees on actions with an equity lens.

The Equity Vice-President shall maintain communications with the Executive Board on issues affecting workers from equality groups within the Union. They shall provide communications in conjunction with the Staff Equality Representative. This work shall be focused on concerns of workers of colour, aboriginal, gay and lesbian, disabled, young workers and youth members in CUPE. They shall maintain communication with other diversity committees within the labour movement.

*The Equity Vice-President will endeavour to engage in ongoing self-development as it relates to equity seeking groups and emerging trends as it relates to the position.

The Equity Vice-President shall attend meetings of the Executive Board whenever called; and perform duties as directed by the Executive Board.

(d) COMMUNICATIONS EDITOR

- i. *The Communications Editor shall endeavour to provide quarterly updates to be posted on our website and other social media after the approval of the President.
- ii. The Communications Editor shall provide a Daily Bulletin to delegates summarizing the business handled on the floor of Convention each day.
- iii. The Communications Editor shall ensure that the CUPE Nova Scotia website is maintained as well as other social media.

6:06 EXECUTIVE BOARD

- (a) The Executive Board shall be comprised of the Table Officers as outlined in Article 4:01, Communications Editor, four (4) Area Vice-Presidents and (1) Equity Vice President.
- (b) The Executive Board shall conduct all business referred to it by the Convention, and shall, in the interval between Conventions, have full and complete charge of all business of CUPE Nova Scotia not otherwise provided for.
- (c) The Executive Board shall have the power to utilize the funds of CUPE Nova Scotia for furthering the aims, interests, and the good and welfare of the members of CUPE Nova Scotia.
- (d) The Executive Board shall meet at least three times a year. A quorum for these meetings shall be the majority (50%+1) of the full Board.
- (e) The President may also call the Executive Board in for special or emergency sessions if required, and shall also call such special or emergency sessions when requested individually, in writing, by more than five (5) members of the Executive Board. When in session, five (5) Executive Board Members shall constitute a quorum and official action may be taken by those present.
- (f) Should any member of the Executive Board fail to answer the roll call for two (2) consecutive Board Meetings without having good and sufficient cause, his Office shall be declared vacant. The Executive Board shall select from their members, one to fill the vacancy for the balance of the term. Should more than one vacancy occur among the Executive Board, such vacancies shall be filled by the Executive Board having regard to the balance of geographical representation within CUPE Nova Scotia.
- (g) CUPE Nova Scotia shall invite a representative from each affiliated District CUPE Council, Sectoral Board or Council of Unions to each Executive Board meeting. These groups shall be invited with

voice but no vote and all costs shall be the responsibility of each of the respective groups. Each group shall also be responsible for making their own arrangements and accommodations.

6:07 TRUSTEES

- (a) CUPE Nova Scotia shall have (3) three Trustees who are Officers of the Division but not Executive Board members.
- (b) The Senior Trustee shall be the Chairperson. In the event of a vacancy occurring, the next Annual Convention shall elect a Trustee to fill the unexpired term of Office in order to preserve the overlapping terms of Office. In the event that two or more Trustees' positions become vacant, the Executive Board shall appoint replacements to serve until the next Annual Convention.
- (c) The Duties of the Trustees:
 - i. Trustees shall audit the books of the Secretary-Treasurer annually. These audits are to be done prior to Convention.
 - ii. The Trustees shall report, in writing, to the next Executive Board meeting, the condition of the funds and accounts together with such other information they deem necessary to the efficient and honest administration of CUPE Nova Scotia. The Trustees shall submit a written report to the Annual Convention.
 - iii. The Trustees shall do an audit every time a new Secretary-Treasurer is elected or appointed.

ARTICLE 7- REVENUE

- 7:01 (a) The fiscal year for CUPE Nova Scotia shall be January 1st to December 31st.
- (b) The revenue of CUPE Nova Scotia shall be derived from a Per Capita Tax to be paid by all persons paying dues to an affiliated Local. The Per Capita Tax shall be \$1.00 per member per month and shall be payable monthly. Per Capita Tax shall be paid by member Locals not later than the fifteenth (15th) day of each month following the date the Tax becomes payable, according to the provisions of this Article. Any Local three (3) months in arrears in payment of Per Capita Tax or Special Assessment will no longer be in good standing with CUPE Nova Scotia and can only be reinstated after the arrears are paid in full, but not to exceed six (6) months Per Capita. The special assessment as outlined in Article 7:01(c) must be paid in full for the year preceding convention. Payment of the special assessments as outlined in Article 7:01(c) shall not exceed the period of one year.

- (c) All affiliated Locals of CUPE Nova Scotia shall pay an annual fee of \$1.00 per member per year on the average annual Local membership by December 31st to finance a "Public Relations Fund". All said funds will be used to finance continuing cost-share campaigns with CUPE Nova Scotia Division and/or CUPE National to promote CUPE Nova Scotia, CUPE Nova Scotia's affiliated Locals and its membership.

7:02 GENERAL ACCOUNT

All expenses not defined in Article 7:03 shall be paid out of the General Account of CUPE Nova Scotia.

7:03 DEFENSE FUND

- (a) Twenty percent of CUPE Nova Scotia's monthly Per Capita Tax will be placed in a special account each and every month. This account shall be known as the CUPE Nova Scotia Defence Account. All Special Assessments will also be included in this account.
- (b) The Defense Account will include all restricted funds, of CUPE Nova Scotia and fund all appeals for donations to strikes, campaigns, charitable causes, scholarships or other requests deemed worthy by CUPE Nova Scotia Executive Board.
- (c) The remainder of surplus funds at year end shall be automatically placed into our term investments.

7:04 For District Councils or Sectoral Coordinating Committee, the annual affiliation fee of \$50.00 shall be paid no later than January 1 of each year in order to be in good standing with CUPE Nova Scotia and can only be reinstated once the arrears are paid in full in order to attend the Convention.

7:05 Special Assessments can be levied only for a specific purpose and for a specific period, in accordance with CUPE National Constitution, Article B.4.2 (b).

7:06 Each Local affiliated with CUPE Nova Scotia, as defined in Article 3 of this Constitution, involved in a strike or lock-out, may seek a pro-rated reduction of Per Capita Tax, or Special Assessment, from the Executive Board based on the number of days off work as a result of the strike or lock-out.

ARTICLE 8 - CONSTITUTION AND INTERPRETATION

- 8:01 (a) This Constitution can only be amended or altered at a regular session of the CUPE Nova Scotia Convention, and to do so, it shall require a two-thirds majority of the registered delegates.

- (b) All proposed Amendments to this Constitution must be in the hands of the Recording Secretary not later than sixty (60) days prior to the convening of the Convention.
- (c) Such Amendments and/or additions to the Constitution of CUPE Nova Scotia shall not conflict with the Constitution of the Canadian Union of Public Employees and its Principles and Policies.
- (d) Notwithstanding the above, any Resolution dealing with Amendments to Article 7 of this Constitution shall be circulated by the Recording Secretary to all affiliated Locals thirty (30) days prior to the commencement of the CUPE Nova Scotia Convention.
- (e) For the purpose of clarification, it is understood that the words 'he' or 'she' wherever they appear in this Constitution referring to Officers or members of this Union shall apply to persons of either sex.
- (f) This Constitution and/or Amendments thereto unless otherwise decided, shall become effective upon adoption by CUPE National

ARTICLE 9 - CONVENTION

- 9:01 (a) CUPE Nova Scotia shall meet annually in Convention. The date and time of the Convention shall be fixed by the Executive Board, having regard for time and place of conventions held by the Canadian Union of Public Employees, the Canadian Labour Congress, the C.L.C. Provincial Federation and other CUPE Provincial Divisions.
- (b) The Convention Call shall be in the hands of the affiliates at least seventy-five (75) days prior to the date of the Convention.
- (c) The location of future annual conventions shall be decided by the Executive Board of CUPE Nova Scotia based on the following criteria:
- Sufficient convention space and breakout rooms that will provide a comfortable environment for all delegates, taking into consideration all issues around Health and Safety.
 - Sufficient accommodation space for delegates at the convention site and or availability of nearby hotel accommodations in the event of an overflow.
 - The cost of holding the convention in the facility.

Where possible, the Executive Board will make every attempt to rotate the location of convention around the province provided the established criteria has been met. Where possible, unionized facilities shall be given first preference.

9:02 The President, in consultation with the Executive Board, shall appoint such Convention Committees as may be required. The President, if it is found necessary, shall be empowered to convene such Committees prior to the opening of the Convention and their term of Office shall expire at the adjournment of the Convention. There must be, however, at least two (2) Committees:

(a) Committee on Registrations and Credentials

This Committee shall process all credentials received from the Secretary-Treasurer. They shall submit their report to the Convention. The Committee shall consist of not less than three (3) members chosen from amongst those registrations that have been received and issue credentials.

(b) Committee on Resolutions and Constitutions

All Resolutions, submitted in harmony with the Constitution, shall be considered by this Committee and such other Resolutions as may be handed to it by the Convention for a report. It shall have the power to combine Resolutions as submitted that deal with the same subject matter. This Committee shall be handed all proposed Amendments to the Constitution, for consideration and report to the Convention. This Committee shall consist of not less than three (3) members, chosen from amongst those credentialed delegates that have been received.

Members who agree to stand on this Committee shall understand that they will report for duties on the Sunday afternoon or before. This Committee shall meet on the call of the President, in sufficient time prior to the Convention to deal with the aforementioned resolutions and Constitutional Amendments.

(c) There will be no compensation for working on Convention Committees of CUPE Nova Scotia.

CUPE Nova Scotia will make a \$250.00 donation to a local food bank on behalf of convention committees. When the Resolution/Constitutional Amendment Committee are requested by the CUPE NS Executive to attend the committee meeting on the Saturday preceding the convention, CUPE NS will cover hotel, travel, meal per diem and lost wages for that day only.

9:03 Resolutions and Constitutional Amendments to be introduced for consideration at the Convention shall be signed by (2) appropriate Officers of an affiliated body of CUPE Nova Scotia and sent to the Office of the Recording Secretary not later than:

(a) Resolutions - Twenty (20) calendar days prior to Convention.

(b) Constitutional Amendments - Sixty (60) days prior to the opening of Convention.

The Convention in session may accept an emergency resolution. It must deal with a specific incident occurring either 19 days prior to the Convention or at the time of the Convention and be in the hands of Convention delegates at least four hours prior to being voted on by Convention delegates.

- 9:04 All Resolutions, excluding Constitutional Amendments, not resolved by Convention, will be referred to the Executive Board for decision upon adjournment of the Convention. A written report be included in the Convention Kits of the progress and action taken on all Resolutions passed at the previous Convention.

Locals submit resolutions at Convention with an expectation of action to be taken and because Resolutions, if passed, give direction and a course of action for the year for CUPE Nova Scotia

- 9:05 A quorum shall be fifty (50) percent of the delegates properly credentialed and seated at any regular Convention of CUPE Nova Scotia.

- 9:06 The Order of Business:

1. Equality Statement
2. Credentials Committee Report (Interim)
3. President's Report
4. Recording Secretary's Report
5. Secretary-Treasurer's Report
6. Trustees' Report
7. Officers' Reports
8. Reports of Standing and Ad Hoc Committees
9. Reports of Convention Committees
10. Final Report of Credentials Committee
11. Nominations and Elections
12. Good and Welfare Suggestions
13. Adjournment.

- 9:07 A special convention called for the purpose of considering an emergency matter referred by the Executive Board shall be in the hands of the affiliated Locals at least thirty (30) days prior to the date of the convention and shall only discuss the matters presented by the Executive Board.

- 9:08 (a) A Convention Assistance Fund, herein after known as the "CUPE Nova Scotia Solidarity Convention Assistance Fund" to assist smaller Locals who would otherwise not be able to attend Convention will be established from donations collected each year at Convention.
- (b) CUPE Nova Scotia will kick off the donations to the convention Assistance Fund at the annual convention with a \$1000.00 donation from the Defense Account.
- (c) Donations collected will be placed in the Defense Account to be used for Convention Assistance for the following CUPE Nova Scotia Convention.

- (d) The Convention Assistance funds collected at the previous CUPE Nova Scotia Convention will be made available to Locals who submit an assistance application form which will be circulated with the early Convention Call.
- (e) Priority shall be given to those Locals who for financial reasons would not otherwise normally be able to send a delegate to the Division Convention. Consideration shall also be given to those locals who have not applied previously.
- (f) The Executive Board reserves the right to request audited statements as proof of financial status of the Local. Further to this, the Executive Board also reserves the right to divide the amount between two or more Locals based on the financial statements received and funds available in an effort to allow more Locals to participate. The decision of the Executive Board of CUPE Nova Scotia shall be final.

9:09 \$5.00 of the delegate registration fee shall be used to offset child care expenses incurred by Convention delegates as follows:

- (a) CUPE Nova Scotia shall provide child care or family care services during Convention hours provided sufficient need has been indicated by way of the Convention Call. In the event that there is insufficient need to warrant the provision of child care or family care services, delegates whose children or family members accompany them to the Convention or delegates who incur child care expenses for children who do not accompany them, shall qualify for child care expenses pursuant to 9:09(b)
- (b) Within two (2) months of the close of Convention, delegates, through their Local Union, may apply to CUPE N.S. for reimbursement of child care expenses to a maximum of \$40.00 per day, per delegate for a maximum of four (4) days.

The Secretary-Treasurer shall establish a standard form with guidelines for reimbursement, to be provided to all Local Unions as part of the Convention Call.

- (c) Total costs shall be limited to \$2000.00 per Convention. Any unused portion shall be returned to the General Fund.

ARTICLE 10 - REPRESENTATION

10:01 Representation at all Conventions of CUPE Nova Scotia for Local Unions shall be on the following basis:

1-50 members	=	two (2) delegates
51-75 members	=	three (3) delegates
76-100 members	=	four (4) delegates

101-200 members	=	five (5) delegates
201-300 members	=	six (6) delegates
301-400 members	=	seven (7) delegates
401-500 members	=	eight (8) delegates

Locals with more than 500 members shall be allowed two (2) additional delegate for each additional 250 members or major portion thereof. District Councils and Sectoral Coordinating Committees shall be entitled to send two (2) delegates to Convention. These members must be Per Capita Tax members of an affiliated Local of CUPE Nova Scotia to stand for Office.

- 10:02 (a) To be entitled to representation in Convention, a Local must have paid Per Capita Tax and Special Assessments on its total membership. Such payments must be received 14 days prior to Convention. The membership, upon which the Per Capita Tax or Special Assessment payment for the last quarter of the calendar preceding Convention is made, shall be used for the purpose of determining delegate representation at Convention.
- (b) To be recognized as a delegate and to offer for election, the delegate must be a member in good standing of a Local that is under a signed Collective Agreement, and paying Per Capita to CUPE Nova Scotia at the opening of Convention.

- 10:03 (a) An affiliated Local or Council may elect Alternate delegates to attend the Annual Convention. An Alternate delegate shall be entitled to attend sessions of the Convention, shall not be entitled to voice or vote, except in the absence of a duly elected delegate. For the purpose of this section, the duly elected Alternate must be in possession of a delegate's badge prior to being afforded a vote. It shall be the responsibility of the presiding Officer to ensure that the intent of this section is carried out.
- (b) At all Conventions of CUPE Nova Scotia, the basis of Alternate delegate representation from affiliated Locals and District Councils shall be:

1-75 members	=	one (1) Alternate delegate
76-200 members	=	two (2) Alternate delegates
201-500 members	=	three (3) Alternate delegates

Locals with more than 500 members shall be allowed four (4) Alternate delegates plus one (1) additional Alternate delegate for each additional 500 members or major portion thereof.

- 10:04 Delegates and Alternates shall pay a fee of \$125.00. Observer's status shall be determined by the Executive Board of CUPE Nova Scotia based on the availability of convention space. Observers shall pay a fee of \$75.00. Observers are generally a new local without its first collective agreement or bank account. Official Guests shall be at the expense of CUPE Nova Scotia. Those registering less than 20 days prior to Convention shall pay a registration fee of \$150.00. A

Banquet Fee of \$50.00 shall be paid by any person other than a registered Delegate/Alternate, Official Guests or staff.

ARTICLE 11 – OUT-OF-POCKET EXPENSES

11:01 (a) Officers, Members of the Executive Board, or Members of Committees, when required to travel in the interest of CUPE Nova Scotia, or to attend meetings of the Executive Board or Committee Meetings, shall be reimbursed as follows:

Meals:

Meeting + travel time of four (4) hours or more - \$ 70.00

Meeting + travel time less than four (4) hours - \$ 35.00

Travel:

Rate as set by Union Development.

Actual cost of transportation.

Actual cost of hotels.

Family Care Allowance:

Up to \$40.00 per day shall be paid while on CUPE Nova Scotia approved business, when care is required outside of regular working hours and upon written verification of expense from the person providing family care. Family care will not be reimbursed if care is provided by the child's mother, father or a family member who resides in the same home.

(b) The Executive Board of CUPE Nova Scotia as per Article 6:06 (a) shall be reimbursed, the sum of \$30.00 per month to cover a portion of phone and internet service and shall be paid per annum with the Out-of-Pocket Expenses.

11:02 CUPE Nova Scotia shall pay the following Out-of-Pocket expenses per annum:

- Vice-President \$600.00
- Recording Secretary \$600.00
- Secretary-Treasurer \$600.00
- Communications Editor and Executive Officers \$300.00
- Trustees (for each audit) \$250.00

ARTICLE 12 - GENERAL

12:01 The Officers or designated representative of CUPE Nova Scotia, acceptable to the Local, Provincial Union, Service Division or Provincial Council of Unions, when invited, shall have voice but not vote at any meetings of subordinate bodies of the Canadian Union of Public Employees.

12:02 The trial procedure for CUPE Nova Scotia shall be the same as the one set out in Appendix "B", Trials, Section 6.1.5.7. in the Constitution of the Canadian Union of Public Employees.

ARTICLE 13 - SCHOLARSHIP AND STRIKE DONATIONS

13:01 *CUPE Nova Scotia shall make available one (1) scholarship per year which will cover the cost of the registration fee for a single room for the purpose of attending the CUPE Atlantic Weeklong School. This scholarship shall be named the Mike McNeil CUPE Atlantic Weeklong School Scholarship. CUPE N.S. Executive Board shall award this scholarship.

13:02 *CUPE Nova Scotia shall make available a bursary in the amount of \$1000.00 to be given to an African Nova Scotian or an Aboriginal Nova Scotian and such bursary shall be named the "CUPE Nova Scotia Rocky Jones Bursary". This bursary shall be awarded yearly to a student attending any post-secondary educational institution and who meets the criteria as outlined in the application form. The recipient must be a union member in good standing of a Local affiliated to CUPE Nova Scotia, or be a son, daughter or legal ward of such member.

13:03 *In the event that appeals are put out by a striking Local or their representatives after the commencement of a strike, CUPE Nova Scotia shall allocate \$500.00 to any CUPE Local on strike in Nova Scotia.

13:04 *CUPE Nova Scotia may offer scholarships with partner organizations as decided and approved by the Executive Board. The awarding of these scholarships will fall under the jurisdiction of the CUPE Nova Scotia Awards Committee.

ARTICLE 14 - STANDING COMMITTEES AND AD HOC COMMITTEES

14:01 The Standing Committees of CUPE Nova Scotia shall be established as follows:

- (a) Women's Committee
- (b) Health & Safety Committee
- (c) Contracting Out & Privatization Committee
- (d) Political Action Committee
- (e) Human Rights Committee
- (f) Education Committee
- (g) Global Justice Committee
- (h) Pension Committee

Committees play an advisory role to the Executive Board of CUPE Nova Scotia.

14:02 A member of CUPE Nova Scotia shall be allowed to sit on only one Committee of CUPE Nova Scotia at a time.

- 14:03 Ad Hoc Committees can be appointed by the Executive of CUPE Nova Scotia as they may determine for a specific purpose and period of time. The Standing and Ad Hoc Committees of CUPE Nova Scotia shall receive funding under Article 7:02.
- 14:04 *Committees shall prepare a work-plan for their elected term that outlines their financial requirements and planned activities.
- 14:05 *Work-plans must be submitted at the first CUPE Nova Scotia Executive Board meeting following Convention.
- 14:06 *Once the work-plans have been approved by the Executive Board, it shall be the responsibility of the Committee to operate within their work-plan.
- 14:07 Committees may make application to the Executive Board for special funding in the event of unexpected expenditures due to unforeseen events.
- 14:08 It shall be the responsibility of the Committee, funded by CUPE Nova Scotia to keep the Secretary-Treasurer of CUPE Nova Scotia apprised of its Chairperson prior to receiving monies from the CUPE Nova Scotia Defense Fund. Any funds raised by a Committee shall be sent to the Secretary-Treasurer for deposit into the CUPE Nova Scotia Defense Account.
- 14:09 The roles of the Committees are to promote and offer information and assistance to the affiliates in their designated subject. Information may be distributed via the News Bulletin, special regional jurisdictional meetings of interest, conferences, educational seminars and other methods deemed appropriate by the Committees. Any method of circulating information to the affiliates shall be done in coordination with all other CUPE Nova Scotia Committees and CUPE Nova Scotia mail outs.
- 14:10 It shall be the sole responsibility of the Chairperson of the Committee to ensure that a written report is prepared and presented by the liaison to each Executive Board meeting and to the Annual Convention indicating the activities of the Committee since the last Convention.
- 14:11 The Chairperson of a newly elected committee shall attend part of the first full Executive Board meeting following Convention. He shall have voice but no vote at the meeting. All expenses incurred shall receive funding under Article 7:02. In the event that the Chairperson cannot attend, he/she will appoint a Committee member as a replacement.
- 14:12 The CUPE Nova Scotia Executive Board shall be consulted on all activities planned by the Committee. The Executive Board shall be empowered to veto any activities it deems to be harmful or in violation of the CUPE Nova Scotia Constitution and its affiliates. In the event that the Executive Board vetoes any activities of a Committee, it shall notify the Committee Chairperson in writing, where the violation of the Constitution has taken place or express how the action of that Committee would be harmful to the affiliates or non-affiliates. The Committee has the right to appeal the decision of the Executive Board and will be

given an opportunity to present their arguments at the next Executive Board meeting. All expenses incurred by the Committee Chair or alternate to attend this appeal meeting shall be the sole responsibility of CUPE Nova Scotia.

- 14:13 CUPE Nova Scotia reserves the right to dissolve any inactive Committee by a two-thirds majority vote of the Executive Board. Upon dissolution of any Committee, all monies held by the Committee shall become monies of CUPE Nova Scotia Defense Fund.
- 14:14 The Executive Board shall have the power to appoint members to Committee positions which have been vacated until an election can take place for the vacant position. All vacancies will be reported in writing by the Chairperson to the Recording Secretary of CUPE Nova Scotia.
- 14:15 Standing Committees of CUPE Nova Scotia may hold one face-to-face meeting per calendar year. All other meetings of Committees shall be by teleconference. Requests for further face-to-face meeting must be submitted to the CUPE Nova Scotia Executive Board for approval.
- 14:16 CUPE Nova Scotia will provide proper meeting space for CUPE Nova Scotia Committees to conduct the business of their respective committees including, but not limited to: CUPE Nova Scotia conventions, conferences, committee face-to-face meetings, etc.

ARTICLE 15- ROLES AND GUIDELINES OF COMMITTEES

15:01 GENERAL MISSION STATEMENT:

Committees shall work to promote, lobby, educate, and to work in the interest of, and betterment for, all CUPE members. Committees shall work within the parameters of the particular interest or group it represents as outlined in the CUPE Nova Scotia Constitution.

15:02 GUIDELINES:

- (a) Committees shall be comprised of five 4 members elected by delegates at CUPE Nova Scotia's Annual Convention plus one (1) youth member.
- (b) Members elected to Committees shall serve a term of (2) two years as per Article 5:07 (b) of the CUPE Nova Scotia Constitution.
- (c) Chairpersons of Committees shall be elected from their respective Committees.
- (d) Committee members elected shall meet prior to adjournment of Convention for the purpose of obtaining names, addresses, phone numbers, fax numbers and e-mail addresses, and such list shall be

forwarded to the Recording Secretary of CUPE Nova Scotia during the Convention.

- (e) If for any reason, a member of the Committee is unable to complete their term of Office, notification shall be given to the CUPE Nova Scotia Executive so as to ensure a replacement can be either appointed or elected within a reasonable amount of time.
- (f) *Work-plans to be submitted and expenses covering members doing work of Committees of CUPE Nova Scotia shall be in accordance with the CUPE Nova Scotia Constitution.
- (g) Expenses for Committees are for the sole purpose of Committee meetings, functions, and planned activities including conferences related to the work of the Committee. Attendance at non-CUPE functions must directly pertain to the Committee mandate and be approved by the Executive Board of CUPE Nova Scotia. Request to attend such functions must be submitted to the Executive Board in writing and must include expected costs and all rationale for attendance.
- (h) Committees shall not be permitted to cover expenses of any of its members to attend National or Provincial Conventions.
- (i) Minutes of Committee meetings shall be made available, upon request, to the CUPE Nova Scotia Executive Board.
- (j) Any political action, correspondence, campaigns, educationals, etc., shall be subject to scrutiny by the CUPE Nova Scotia Executive Board so as to ensure all decisions and subsequent actions that flow from those decisions conform with the CUPE Nova Scotia and CUPE National Constitution and By-laws and Policies of the Canadian Union of Public Employees.
- (k) Committees have the option, if they so wish, to work solely from within their Committee or jointly with other Committees on any planned activities.
- (l) Committees have the right to formulate Resolutions and Constitutional Amendments for submission to the CUPE Nova Scotia Convention.
- (m) One (1) member of the CUPE Nova Scotia Executive Board shall sit as a liaison member of a Committee as designated by the President of CUPE Nova Scotia. All expenses incurred by the liaison to the Committee shall be covered under the Defense Fund.
- (n) *Committees of CUPE Nova Scotia shall meet on the day preceding the first full CUPE Nova Scotia Executive Board meeting following convention for the purpose of preparing work-plans and laying out a general framework of planned activities, but not limited to, work on Resolutions passed at the Annual Convention.

- (o) Each CUPE N.S. Committee shall provide a mission statement for inclusion in the CUPE N.S. Constitution.

APPENDIX A - EQUALITY STATEMENT

Union solidarity is based on the principle that Union members are equal and deserve mutual respect at all levels. Any behavior that creates conflict prevents us from working together to strengthen our Union.

As unionists, mutual respect, cooperation and understanding are our goals. We should neither condone nor tolerate behavior that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.

Discriminatory speech or conduct which is racist, sexist, transphobic or homophobic, hurts and thereby divides us. So, too, does discrimination on the basis of ability, age, class, religion, language and ethnic origin.

Sometimes discrimination takes the form of harassment. Harassment means using real or perceived power to abuse, devalue or humiliate. Harassment should not be treated as a joke. The uneasiness and resentment that it creates are not feelings that help us grow as a Union.

Discrimination and harassment focus on characteristics that make us different; and reduce our capacity to work together on shared concerns such as decent wages, safe working conditions, and justice in the workplace, society and in our Union.

CUPE's Policies and Practices must reflect our commitment to equality. Members, staff and elected Officers must be mindful that all Sisters and Brothers deserve dignity, equality and respect.

APPENDIX B - STATEMENT AGAINST HARASSMENT

(NOTE: TO BE READ AND DISTRIBUTED AT ALL CUPE NOVA SCOTIA SPONSORED EVENTS).

CUPE Nova Scotia is opposed to all forms of discrimination and harassment on the basis of age, race color, religion, creed, sex, sexual orientation, physical or mental disability, ethnic, national or aboriginal origin, family status, marital status, political belief, affiliation or activity.

Harassment based on any of the above is a form of discrimination, and it also includes personal harassment. Harassment means any improper behavior by a person, which is

unwelcome and offensive to another person and which the person engaging in such behavior knew or ought reasonably to have known was unwelcome. It comprises objectionable conduct, comment, or display that demeans, belittles, or causes humiliation and/or embarrassment to another person.

Harassment includes, but is not limited to: unwelcome remarks, jokes, innuendos or taunts about a person's body, clothing, sex, sexuality, racial background, disability, and or age; insulting gestures and practical jokes: for example, of a sexist, racist or homophobic nature; displaying of pornographic, racist pictures, graffiti or material; leering; refusing to talk to or work cooperatively with a person because of her or his sex, race, color, sexuality, age; unnecessary physical contact such as patting, touching, pinching; sexual overtures; sexual assault; physical assault.

CUPE Nova Scotia recognizes that harassment in any form prevents CUPE members from participating equally at CUPE sponsored events. In order to maintain a harassment-free environment, CUPE Nova Scotia will inform people about this Policy at the beginning of every Union function.

CUPE Nova Scotia declares all its events as a "ZERO TOLERANCE ZONE FOR HARASSMENT".

Complaints of harassment will be taken seriously and will be investigated immediately. The investigation of each incident will be handled confidentially and expeditiously, with particular sensitivity for the complainant. In each case the resolution of any issue brought about by harassment would include, but may not be limited to any of the following; an apology, a reprimand and possible expulsion from the Union event. If either party is unsatisfied with the decision, they can make an appeal to the CUPE Nova Scotia Executive Board.

The Procedure to deal with alleged cases of harassment at all CUPE Nova Scotia events are as follows (*to be distributed at all Union functions*).

- Complaints of harassment at any event(s) of CUPE will be taken seriously and will be investigated immediately.
- If you believe you are being harassed, act immediately. If possible, make it clear to the other person you do not welcome such behavior. You can do so either on your own, verbally or in writing, or with the assistance of another party, including the Ombudsperson if you so wish. Indicate that you will take further action if the behavior continues.
- If the inappropriate behavior persists, approach the Ombudsperson who will investigate the matter.
- Confidentiality and privacy of the incident will be maintained.
- There are four distinct ways in which you might choose to respond to harassment. Ombudspersons can assist you in handling your complaint. CUPE Nova Scotia encourages members to resolve member to member harassment

through informal resolution or conciliation with the confidentiality of all involved parties respected.

INFORMAL RESOLUTION

The Ombudsperson will seek informal resolution where possible and with the agreement of the complainant. The Ombudsperson ensures that the alleged harassment will not be repeated. The complainant need not deal with the alleged harasser directly.

CONCILIATION

Conciliation is only an option if the complainant wishes it to take place. This alternative operates similarly to that of informal resolution except that the Ombudspersons act as conciliators involved with both parties.

FORMAL COMPLAINT

Should the alleged harassment fail to be resolved by the above processes, then the complainant may wish to lodge a formal complaint. This complaint would be fully investigated by an Ombudsperson who has not been involved in the informal process regarding the particular complaint. The outcome of the investigation would be reported to the President of CUPE Nova Scotia, the Equal Opportunities Committee Liaison (Officer of the Division), and a confidential report given to all other Division Officers for their consideration. The investigation would have full input from all parties involved.

A complaint involving a member of the staff will be reported immediately to the Regional Director who will investigate and take appropriate action if warranted.

EXTERNAL ALTERNATIVES

Every effort should be made to ensure that there are sufficient resources and services available to resolve harassment within our Union. Situations may arise, however, where a victim of harassment may wish to consider external alternatives. Complaints involving discriminatory harassment may be filed with the Nova Scotia Human Rights Commission. Depending on the nature of the complaint, charges may be laid under the Criminal Code.

- In each case the resolution of any issue brought about by harassment could include, but may not be limited to any of the following; an apology, a reprimand and possible removal from any elected or selected position of CUPE Nova Scotia or the expulsion from the event.
- Any second offences of harassment by an individual at any event(s) of CUPE Nova Scotia will be followed up in accordance with this Policy and the penalty shall take into account the fact that it is a second offence.

- Where remedy is involved, the Executive Board members of CUPE Nova Scotia shall make the final decision. A written report will be provided to all parties involved. Additional action may be pursued in accordance with the CUPE National and or CUPE Nova Scotia Constitution(s) and or through any legal channels or by any other means to gain real and meaningful resolves to complaints of harassment.
- Any member expelled from a CUPE Nova Scotia event and/or removed from a CUPE Nova Scotia position will be strongly encouraged to take counseling and courses such as the CUPE Anti-Harassment Course and Anger Management, at their own cost.
- After proof of such counseling and training by the individual to the Executive Board of CUPE Nova Scotia, he/she may be considered to begin and attend events or participate in elections and selected positions within CUPE Nova Scotia on a trial basis. The Executive Board members of CUPE Nova Scotia shall make the final decision of considerations.

APPENDIX C - GLOSSARY OF TERMS

Ad Hoc Committee: A committee, which exists for a specific purpose only and dissolves when it has accomplished its tasks.

Affiliate: Any Local Union, District Council, or Sectoral Committee that is a member of CUPE Nova Scotia.

Audit: A formal examination of the financial affairs of CUPE Nova Scotia.

Constitution: The regulations governing CUPE Nova Scotia and CUPE National.

Canadian Labour Congress (CLC): The largest democratic organization in Canada with over three million members. The CLC brings together Canada's national and international unions, the provincial and territorial federations of labour and 136 district labour councils.

Coalition: Temporary alliance for special goals between parties that retain distinctive principles.

CUPE: The Canadian Union of Public Employees. "CUPE" is always used with a national connotation, unless stated otherwise.

District Council: Groups of Locals from a particular region of the country that join forces on issues including community project support, political action, bargaining support and promotion of CUPE ideals.

Division: In any given province, one Provincial Division may be established and chartered when deemed advisable and when at least ten chartered Local Unions in the province indicate a desire to form such a Division.

Executive Officer: A Member elected by the delegates of convention to hold a specific office, and carry out specific duties.

CUPE Nova Scotia Executive Committee: Governing body of CUPE Nova Scotia.

Ex-officio: A member of a committee who is a full member of that committee because of her/his office on the CUPE Nova Scotia Executive.

Liaison: A member of the Board who serves on a committee as a link to assist communication or cooperation between CUPE Nova Scotia and the committee.

Local Union: The basic unit of union organization. Locals have their own by-laws and elect their own officers. They are responsible for the negotiation of day-to-day administration of the collective agreements covering their members.

National: The Canadian Union of Public Employees whose headquarters is in the City of Ottawa.

Nova Scotia Federation of Labour (NSFL): Nova Scotia's central labour body chartered by the Canadian Labour Congress, grouping Local Unions and Labour councils.

Per Capita Tax: Regular payments based on the number of members by a Local to CUPE Nova Scotia.

Quorum: Minimum number of members whose attendance is legally required in order to transact business or hold a valid meeting.

Scrutinizer: A person who distributes, collects and counts ballots and generally sees that voting is properly carried out.

Secret Ballot: Method of election in which the individual voter cannot be identified.

Staff Liaison: A CUPE National staff member appointed by the Atlantic Regional Director in consultation with the President of CUPE Nova Scotia to serve in an advisory capacity to a committee.