

**CANADIAN UNION OF PUBLIC EMPLOYEES**

**NEW BRUNSWICK**

**CONSTITUTION AND BY-LAWS**



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## TABLE OF CONTENTS

PREAMBLE .....	(1)
ARTICLE 1 - NAME AND AUTHORITY .....	(1)
ARTICLE 2 - OBJECTIVES AND METHODS .....	(1)
ARTICLE 3 - MEMBERSHIP .....	(2)
ARTICLE 4 - CONVENTION .....	(2)
ARTICLE 5 - OFFICERS AND TRUSTEES .....	(4)
ARTICLE 6 - ELECTION OF OFFICERS .....	(5)
ARTICLE 7 - DUTIES OF OFFICERS .....	(6)
ARTICLE 8 - EXECUTIVE COMMITTEE .....	(9)
ARTICLE 9 - REVENUES AND EXPENSES .....	(10)
ARTICLE 10 - NEWS BULLETIN .....	(11)
ARTICLE 11 - AMENDMENT TO THE CONSTITUTION .....	(11)
ARTICLE 12 .....	(11)
RULES AND ORDER .....	(12)
GUIDELINES FOR COMMITTEES .....	(14)
DEFENSE FUND REGULATIONS .....	(15)

## **CONSTITUTION AND BY-LAWS**

### **PREAMBLE**

This Constitution is designed to give proper balance to the administration of CUPE New Brunswick. Responsibility for efficient operation of CUPE New Brunswick should be shared by the many rather than by the few. While various committees have been designated as "Standing Committees", this in no way precludes the possibility of further committees being established from time to time, as may be required. CUPE New Brunswick has been formed to improve the social and economic welfare of its members and to give clear and concise evidence of the unity of organized labour and does now establish this Constitution for its government.

### **ARTICLE 1 - NAME AND AUTHORITY**

- 1.1 This organization shall be known as CUPE New Brunswick and in the French language "SCFP Nouveau-Brunswick".
- 1.2 CUPE New Brunswick shall be subject to the Constitution of the Canadian Union of Public Employees.

### **ARTICLE 2 - OBJECTIVES AND METHODS**

- 2.1 The objectives of CUPE New Brunswick shall be:
  - (a) To advance the efficiency of public employees generally and the labour movement as a whole.
  - (b) To support the objectives set forth in the Canadian Union of Public Employees Constitution.
  - (c) To promote suitable legislative measure within this Province to further the interest, aims, and objectives of the member local unions.
  - (d) To promote the maximum participation of locals in CUPE New Brunswick, the Canadian Labour Congress, Provincial Federations, CUPE District Councils, Labour Councils and Provincial Councils.
  - (e) To assist in the organization of unorganized workers generally, and public employees in particular, in this Province.
  - (f) To promote such educational, legislative, social and other activities as may assist affiliated locals.
  - (g) To use every honourable means in our power to assist with difficulties that may arise between our membership and their employer.
  - (h) To obtain the maximum participation by locals, in programs of the Canadian Union of Public Employees.
- 2.2 CUPE New Brunswick further stands unequivocally for equality of treatment regardless of race, colour, nationality, place or origin, sex or political affiliation. It shall cooperate with all recognized labour organizations with similar and appropriate aims and objectives.
- 2.3 The method of achieving the objectives of CUPE New Brunswick shall be:
  - (a) Encouraging cooperative relations between employers and employees.

- (b) Promoting desirable legislation.
- (c) Conducting educational programs designed to enlighten the general public and the membership with respect to problems of public employees.
- (d) Supporting CUPE and district councils in dealing with matters peculiar to a particular area, and for assisting in the organizational efforts of this Union.
- (e) Cooperating with the National Union and its departments in furthering the general well-being of the Canadian Union of Public Employees.

### **ARTICLE 3 - MEMBERSHIP**

- 3.1 Membership in CUPE New Brunswick shall be open to provincial unions, local unions and provincial occupational groups, and district councils established under and/or chartered by the National Constitution and being in good standing with the Canadian Union of Public Employees.

### **ARTICLE 4 - CONVENTION**

- 4.1 Date and Location - CUPE New Brunswick shall meet annually at such place as the delegates have decided at the previous convention or if no place has been selected, the date and time of the convention shall be fixed by the Executive Committee, having regard for time and place of conventions held by organizations to which CUPE New Brunswick is affiliated. The convention may continue for a maximum period of three days.
- 4.2 Convention Call - The convention call shall be forwarded at a date permitting delivery into the hands of all affiliates at least ninety (90) days prior to the opening date of the convention.
- 4.3 Registration Fee - Commencing with the 1994 CUPE New Brunswick annual convention, a registration fee of twenty-five (\$25.00) dollars for each delegate shall be attached to the credential forwarded to the Secretary-Treasurer of CUPE New Brunswick.
- 4.4 Representation - At all conventions of CUPE New Brunswick the basis of representation from affiliated organizations shall be:
- (a) From local unions paying per capita on 100 members or less - two delegates; an additional delegate for each 100 members or portion thereof.
  - (b) (1) From district councils or provincial councils of unions, a provincial occupational group, the basis of representation shall be one delegate per provincial council, or group. Representation from district councils or provincial councils of unions or provincial occupational groups must hold membership in an affiliated CUPE local union that is paying per capita tax to CUPE New Brunswick.
  - (2) To be entitled to representation at convention: a local union shall have paid per capita on its total membership up to and including December of the previous year; a local affiliating after December shall have paid per capita on its total membership for at least one month from the date of its affiliation.
  - (3) Local unions having less than twenty-five (25) members may make application to the CUPE New Brunswick Executive Committee for financial assistance with transportation to assist in sending of a delegate to convention. The CUPE New Brunswick Executive is empowered to authorize payment.
- 4.5 Alternate Delegates - An affiliated local union, district council or provincial council may elect alternate delegates to attend annual or special conventions. For the purpose of this section, the

duly elected alternate delegate must be in possession of a delegate's badge prior to being afforded voice or vote. It shall be the responsibility of the presiding officer to ensure that the intent of this section is carried out. An alternate delegate when replacing a duly elected delegate not seated shall have all full privileges of the delegate status.

4.6 Quorum - A quorum shall be one half of the delegates properly credentialed and seated at any regular session of the CUPE New Brunswick convention. Less than that number shall adjourn to a specified time.

4.7 Resolutions and Constitutional Amendments - All resolutions and constitutional amendments to be considered at the convention must be submitted by a local union or a district council or provincial council, or occupational groups organized under Article 4.7 of the National Constitution or by the Executive Committee of CUPE New Brunswick or Committee thereof, so that they are in the hands of the Secretary-Treasurer not later than forty-five (45) days prior to the convention, and must not exceed two hundred (200) words in total. All resolutions must be signed by the presiding officer and secretary of such affiliate. The Secretary-Treasurer will endeavour to forward to union locals the resolutions thirty (30) days before the convention. Emergency resolutions introduced from the floor of the convention may be considered only with the consent of a two-thirds majority vote of the convention.

4.8 The Executive Committee shall appoint from the registered delegates the following Convention committees, namely:

Credentials Committee - 2 members and chairperson

Resolutions Committee - 2 members and chairperson

Constitution & Laws Committee - 2 members and chairperson

All committees shall be established as early as possible prior to the opening of the convention, and if it is necessary during the convention that revisions be made to the committees or if additional committees are required, the President shall appoint same, subject to the approval of the convention.

A local committee may be formed and the chairperson thereof may be requested to assist the CUPE New Brunswick Convention Committee in the selection of convention accommodations, the selection and obtaining of speakers, and may further be requested to select a chairperson of the opening sessions of the CUPE New Brunswick convention.

The local committee will be requested to assist with the functions of the convention.

4.9 Order of Business

1. Credentials Committee Report (Interim)
2. President's Report
3. Secretary-Treasurer's Report
4. Trustees' Report
5. Reports of Standing Committees
6. Reports of Convention Committees
7. Final Report of Credentials Committee
8. Nominations and Elections
9. Good & Welfare suggestions
10. Adjournment

4.10 Rules of Order - Rules of Order shall be in accordance with Appendix "A" attached hereto, and forming part of this convention. Bourinot's Rules of Order shall prevail on matters not covered by the Rules of Order.

4.11 Convention Report - A complete report of the convention shall be prepared by the Secretary-Treasurer, with the assistance of the Executive Committee, and forwarded to all affiliated locals four (4) months, where possible, after the close of the convention.

- 4.12 (a) Incumbent Officers to Convention - The President, Secretary-Treasurer and Vice-President at Large of CUPE New Brunswick, in office at the time of the convention, shall attend such convention as a fully accredited delegate, at the expense of CUPE New Brunswick, provided the aforementioned officers are members in good standing of an affiliated local union.
- (b) The incumbent officers as spelled out in Article 5, with the above mentioned exceptions, shall be entitled to attend convention at the expense of CUPE New Brunswick, with voice but no vote if they are not an accredited delegate representing their local or district council. They shall not be eligible for re-election unless they are duly accredited delegates.

4.13 Staff Voice at Convention - The Staff Representatives and National Executive Board Members of the Canadian Union of Public Employees shall be permitted voice on any debate which is not of a nature that would intrude on the autonomy of CUPE New Brunswick where its administration is concerned.

**ARTICLE 5 - OFFICERS AND TRUSTEES**

5.1 The Executive Officers of CUPE New Brunswick shall be the President and the Secretary-Treasurer. These officers shall be elected for a two-year term with the President elected in odd numbered year and the Secretary-Treasurer elected in even numbered year.

5.2 The Executive Committee of CUPE New Brunswick shall consist of the President, the Secretary-Treasurer and the Vice-Presidents referred to in Articles 5.3 and 5.4 One of these Vice-Presidents shall be elected, at the first executive board meeting following each annual convention, as First Vice-President. The duties of the First Vice-President shall be to chair meetings when the President is not available or upon the request of the President, and to represent CUPE New Brunswick at any time upon request of the President.

5.3 The Vice-Presidents shall be the presidents, or an executive member designated by the president, from a local that is affiliated to CUPE New Brunswick from the following organizations:

- a. Local 963 - N.B. Liquor Corporation
- b. Local 1190 - General Labour and Trades
- c. Local 1251 - N.B. Council of Institutional Unions
- d. Local 1252 - N.B. Council of Hospital Unions
- e. Local 1253 - N.B. Council of School District Unions
- f. Local 1418 - Rehabilitation and Therapy & Recreation and Culture Program Officers
- g. Local 1840 - Court Stenographers
- h. Local 2745 - School Clerical, Teacher Assistants and Library Assistants
- i. N.B. Council of Nursing Home Unions
- j. N.B. Council of Municipal Unions
- k. N.B. Police Association
- l. N.B. Council of Ambulance Service Unions

In the event that any provincial group does not name a Vice-President to sit on the Executive Committee of CUPE New Brunswick, then the Executive Board of CUPE New Brunswick shall appoint a representative from that group to sit as a Vice-President of CUPE New Brunswick.

5.4 Two Vice-Presidents-at-Large shall be elected by and among the delegates of the affiliated locals not covered in 5.3, one of whom shall be bilingual.

5.5 The elected president of any new provincial council, council of unions or provincial occupational groups which may be established or chartered between conventions, shall automatically be added to the list of Vice-Presidents in Article 5.3 and this Constitution shall be amended accordingly at the next convention.

5.6 In the event that one of the Vice-Presidents listed in Article 5.3 is also elected President or Secretary-Treasurer of CUPE New Brunswick, his or her designate shall perform the duties and functions of the Vice-President during the President's or Secretary-Treasurer's term of office.

5.7 In the event the President or Secretary-Treasurer resigns or is unable to continue to hold office, these positions shall be filled by election from within the members of the Executive Committee. Should it not be feasible to select such an officer from within the ranks of the Executive Committee members, the Committee shall be free to select an officer from outside its own ranks. The position shall be filled by election at the next following CUPE New Brunswick convention.

5.8 Trustees shall be elected by the delegates at convention. The Board of Trustees shall consist of three members, one trustee for a three-year term, one trustee for a two-year term, and one trustee for a one-year term. One trustee shall be elected each year and shall serve for a three-year term. The senior trustee shall be the chairperson. In the case of a vacancy occurring, the next convention shall elect a trustee to fill the unexpired term of office in order to preserve the overlapping terms of office. In the event of any trustee position becoming vacant between conventions, the Executive Committee of CUPE New Brunswick shall appoint a replacement to serve until the next convention.

## **ARTICLE 6 - ELECTION OF OFFICERS**

6.1 Election of Officers shall be held on the closing day of the convention.

- 6.2 No person shall be eligible for election to any office or membership of any committee, 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 only so long as his/her local union, or affiliated body remains an affiliate of CUPE New Brunswick.
- 6.3 The President shall appoint an Election Committee Chairperson who shall appoint assistants to conduct the elections. They shall not be candidates for office.
- 6.4 The Election Committee Chairperson shall be responsible for the issuing and receiving of ballots to and from the delegates.
- 6.5 Elections shall be conducted by secret ballot - one delegate, one vote, with a simple majority of votes cast.
- 6.6 Immediately following the close of voting, the Election Committee shall proceed to count the ballots, and upon completion of same, they shall notify the Chairperson, and their report shall be made immediately.
- 6.7 The election of each office shall be completed before nomination may be accepted for any subsequent office.
- 6.8 Upon completion of elections, the newly elected officers and trustees shall come forward to the convention platform and clearly and audibly speak the following lines to the assembled delegates:
- 6.9 Obligations of Officers - "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 Laws of the Canadian Union of Public Employees, and as an officer of CUPE New Brunswick, will at all times endeavour, both by counsel and example, to promote the harmony and preserve the dignity of its sessions. I further promise that, at the close of my official term, I will deliver all monies, books, papers, or other property of CUPE New Brunswick, in my possession to my duly elected successor in office."
- 6.10 The term of office of all the elected officers shall commence immediately following the adjournment of the convention. Whenever there is a change in signing officers the bank authorization cards must be changed to reflect the new officers within 30 days.

## **ARTICLE 7 - DUTIES OF OFFICERS**

### **7.1 President**

- (a) It shall be the duty of the President to preside at all conventions of CUPE New Brunswick, and all meetings of the Executive Committee. The President shall be an ex-officio member of all committees.
- (b) The President shall preserve order and enforce the Constitution of CUPE New Brunswick.
- (c) The President shall have the authority to interpret the Constitution and his/her interpretation shall be final and in full force and effect unless reversed or changed by the Executive Committee or by appeal to the Convention, or by appeal to the President of the Canadian Union of Public Employees.
- (d) The President or Vice-President designated by the President shall sign all cheques, bank drafts and other official documents relevant to the operation of CUPE New Brunswick.

The President and Vice-President designated by the President shall be bonded for a proper amount, and by a reliable bonding company as approved by the Executive.

- (e) In order to meet the personal liabilities incurred in fulfilling this position, the President shall receive two hundred dollars (\$200.00) per month to be paid quarterly as an out-of-pocket expense.
- (f) The President of CUPE New Brunswick shall automatically be the nominee for the position of Regional Vice-President at any National Convention unless the President is elected as a General Vice-President, then the nominee for Regional Vice-President shall be selected from a caucus of New Brunswick delegates at that National Convention.

7.2 Secretary-Treasurer - The office of the Secretary-Treasurer shall be an elected post.

The Secretary-Treasurer shall:

- (a) Keep a full and accurate account of the proceedings of all conventions and executive meetings.
- (b) Conduct the correspondence, and take charge of all books, papers and effects pertaining to the office.
- (c) Purchase all supplies necessary for the office, as approved by the Executive Committee.
- (d) Act as secretary to all CUPE New Brunswick committees and prepare minutes and reports for same.
- (e) The Secretary-Treasurer shall be empowered, with approval of the President and the Executive Committee, to employ stenographic or other assistance as they may deem necessary.
- (f) On the approval of the Executive, have all books, papers and other effects ready at all times, on reasonable notice for inspection. The Treasurer shall provide the CUPE New Brunswick Executive with monthly financial statements showing all income, disbursements, bank balances and investments. A copy of same shall be forwarded to all Trustees. The above statements should state where income was derived, to whom disbursements were made and what bank or financial institution funds are located.
- (g) Be a fully accredited delegate to CUPE New Brunswick convention with all expenses paid by CUPE New Brunswick.
- (h)
  - (1) In order to meet the personal liabilities incurred in fulfilling this position, he/she shall receive five hundred dollars (\$500.00) per year as an out-of-pocket expense.
  - (2) That the Secretary-Treasurer be paid five hundred dollars (\$500.00) per year rent for space to store CUPE New Brunswick material and equipment.
  - (3) In order to fulfill his/her duties the Secretary-Treasurer shall be allowed two and one-half (2.5) days per week at eight (8) hours per day off work. Any additional time off must be approved by the President of CUPE New Brunswick. Any week that more than two and one-half (2.5) days are used, a report must be made at the next Executive Meeting.
- (i) The Secretary-Treasurer shall receive all monies due CUPE New Brunswick, issue receipts for same and deposit promptly all monies in a chartered bank or credit union as approved by the Executive, to the credit of the union.
- (j) He/she shall make all disbursements authorized by the Executive by cheques countersigned by the President or by the Vice-President designated by the President. All cheques are to have an appropriate space for an explanation of the payment of the said cheque. No signing officer shall pre-sign any blank cheque.
- (k) The Secretary-Treasurer shall not make any payment unless such payment is authorized either by CUPE New Brunswick Constitution and By-Laws or by a motion at a CUPE New Brunswick convention or Executive Board meeting. Prior to the issuing of any cheque for payment, the Secretary-Treasurer shall receive either a voucher or invoice

stating what the payment is for. All vouchers shall be accompanied by receipts when applicable. The Secretary-Treasurer shall enter the cheque number and date on each voucher or invoice when making payment. The Secretary-Treasurer shall issue all cheques in numerical order. All cheques shall be made payable to the person or organization providing the service or product. No cheque shall be issued to "cash".

- (l) The Secretary-Treasurer shall close all accounts of CUPE New Brunswick at the end of the fiscal year 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/she shall have printed in the financial statement as approved by the Trustees as a separate document or submission to the convention. The fiscal year is from March 1 to February 28.
- (m) He/she shall turn over all books and records relative to receipts and expenditures to the Trustees for audit at the end of each fiscal year, and shall furnish the Trustees with such information as they may require for the performance of their duty.
- (n) It shall be the duty of the Secretary-Treasurer to send out quarterly statements to all unions, showing the per capita standing of the local union to which it is sent, pointing out the constitutional requirements of CUPE New Brunswick for all affiliated local unions to remain in good standing. Annual statements shall be sent to all district councils and provincial councils.
- (o) He/she shall be bonded for a proper amount, and by a reliable bonding company as approved by the Executive.
- (p) Keep a record of the total membership of each local and report to the convention showing the number of affiliated local unions and total membership.
- (q) Be responsible for issuing the convention call to all local unions.

7.3 Executive Officers - The Executive Officers shall fulfill all duties required, or referred to them by the Convention, the Executive Committee, or the President.

- 7.4 (a) The Trustees shall exercise general supervision over the properties of CUPE New Brunswick. They shall examine and audit the books and records of the Secretary-Treasurer, and inspect and examine all other assets of CUPE New Brunswick at least once a year. They shall prepare an annual statement and shall report their findings to the annual convention together with any related matter therein they wish to bring to the attention of the convention.
- (b) The Trustees shall conduct a special audit when a new Secretary-Treasurer is elected or a new Secretary-Treasurer is appointed to fill the unexpired term of the Secretary-Treasurer who has vacated the office.
- (c) All trustees shall receive financial officers' training as soon as possible after being elected.

7.5 Maritimes Regional Director

- (a) He/she shall be invited to be an ex-officio member of the Executive Committee of CUPE New Brunswick.
- (b) He/she shall be invited to assist the Secretary-Treasurer with the following duties:
  - (1) Coordinate the activities of the committees of CUPE New Brunswick.
  - (2) Coordinate and promote activities re legislative aims of CUPE New Brunswick.
  - (3) Act as liaison officer of CUPE New Brunswick with other provincial labour organizations in New Brunswick.
- (c) The Regional Director shall be invited:

- (1) To coordinate and promote the activities and programs of CUPE New Brunswick and any of its committees, and in particular to promote a coordinated bargaining strategy for CUPE in New Brunswick.
- (2) To act as a liaison between the CUPE field representative staff and CUPE New Brunswick.
- (3) To work in close cooperation with the National Office of CUPE and its departments in advancing the policies and programs of the parent organization within the scope of CUPE New Brunswick.
- (4) To assist CUPE New Brunswick and any of its committees in the preparation of briefs and other presentations made on behalf of CUPE New Brunswick to the Provincial Government or any of its ministries.
- (5) To establish and maintain a good working relationship between CUPE New Brunswick Executive members and CUPE staff members.
- (6) To act as a liaison officer of CUPE New Brunswick with other labour organizations and community groups in New Brunswick.
- (7) To submit a report on the activities, programs and problems of all components of CUPE in New Brunswick to the annual convention of CUPE New Brunswick, including matters dealing with the New Brunswick Federation of Labour and local labour councils.
- (8) Assist the Secretary-Treasurer to prepare and submit to the Executive Committee a budget outlining the anticipated revenue and expenses of CUPE New Brunswick for the coming fiscal year. After approval by the Executive Committee, the budget shall then be submitted to the annual convention.

#### **ARTICLE 8 - EXECUTIVE COMMITTEE**

- 8.1 The Executive Committee 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 New Brunswick not otherwise provided for.
- 8.2 The Executive Committee shall meet at least three times annually. The exact location to be designated by the President. The President may also call the committee in special or emergency sessions if required and shall call such special or emergency sessions when requested individually in writing by more than half of the committee members. When in session a majority of the Executive Committee shall constitute a quorum and official action may be taken by those present.
- 8.3
  - (a) CUPE New Brunswick shall pay the expenses incurred by the President, the Secretary-Treasurer, the Vice-Presidents-at-Large, the Vice-President representing the New Brunswick Council of Municipal Unions, the Vice-President representing the New Brunswick Council of Ambulance Service Unions, the Trustees, and any National Task Force appointee attending meetings on behalf of CUPE New Brunswick. All expenses shall be approved by the Executive Committee.
  - (b) CUPE New Brunswick shall pay meals, mileage and motel expenses (providing the person must travel 75 km or more one way from their residence to attend the meeting) for all other Vice-Presidents to attend Executive Committee meetings, as approved by the Executive Committee of CUPE NB. All other expenses shall be paid by the provincial unions, councils of unions, or provincial occupational group that the Vice-President represents.
- 8.4
  - (a) The Executive Committee shall appoint the following standing committees and chairpersons thereof

- (1) Education Committee: 3 members and chairperson;
  - (2) Contracting out Committee: 3 members and chairperson;
  - (3) Equality Committee 3 members and chairperson,
  - (4) Health, Safety and Environment Committee 3 members and chairperson;
  - (5) Pension and Insured Benefits Committee 3 members and chairperson.
- (b) The Education Committee may:
- (1) make recommendations regarding the education needs of CUPE members in New Brunswick to the Education Representative and to the Executive of CUPE New Brunswick;
  - (2) select the three (3) recipients for the annual CUPE New Brunswick scholarships
    - (i) In honour of Brother M.A. (Tex) Hughes one scholarship in the amount of one thousand dollars (\$1,000.00);
    - (ii) In honour of Brother George Evans one scholarship in the amount of one thousand dollars (\$1,000.00);
    - (iii) In honour of Brother Thomas Owens one scholarship in the amount of one thousand dollars (\$1,000.00).
  - (3) Arrange one weekend seminar sponsored by CUPE New Brunswick, and any other similar schools that it deems necessary. The registration fees for seminars shall be an amount to be set from time to time by the Executive Committee.
  - (4) Any member in good standing of an affiliated local union, who attends the Canadian Labour Congress' Labour College Residential Program shall receive a scholarship of one thousand dollars.
- (c) The Equality Committee may;
- (1) promote and encourage the development of policies and programs that ensure all workers are treated equally, without any form of discrimination, both within our union and in their workplaces.
- (d) The Health, Safety and Environment Committee may:
- (1) promote and encourage active Health and Safety Committees,
  - (2) make recommendations regarding building awareness of how our members' work can affect the environment
- (e) The Contracting-out Committee may:
- (1) make recommendations regarding education for the membership on all aspects of contracting-out and privatization;
  - (2) make recommendations to the Executive of CUPE NB regarding fightback campaigns against contracting-out
- (f) The Pension and Insured Benefits Committee may:
- (1) gather and disperse information on pension and insured benefits;
  - (2) make recommendations to the Executive of CUPE NB regarding any insurance companies seeking support of CUPE NB.
- (g) The Executive of CUPE NB may appoint such other ad-hoc committees for a specific purpose and time as may be necessary.
- (h) All committees of CUPE New Brunswick shall be subject to the guidelines stipulated in Appendix "B".

- 8.5 The Executive Board of CUPE New Brunswick shall submit names of members of locals affiliated to CUPE New Brunswick to be appointed on all national committees and task forces. If an appointee is no longer a member of an affiliated local of CUPE New Brunswick, a replacement from an affiliated local will be recommended by the Executive Board to the CUPE National President. The appointees shall submit a written report of each national committee or task force meeting to the Secretary-Treasurer of CUPE New Brunswick within 30 days of such meeting.

#### **ARTICLE 9 - REVENUES AND EXPENSES**

- 9.1 (a) The revenue of CUPE New Brunswick shall be derived from every local or provincial union through a per capita tax of a dollar (\$1.00) per member per month. Commencing with the month of April 1994, \$0.50 of the per capita per member per month shall be placed in the CUPE New Brunswick Defense Fund. The Defense Fund shall be governed by the regulations established by the CUPE New Brunswick Executive Committee in compliance with the CUPE New Brunswick convention decisions.
- (b) If at any time the balance in the Defense Fund falls below \$50,000.00 (fifty thousand dollars), an automatic levy of one dollar (\$1.00) per member, per month, shall be added to the current per capita tax payable. This levy shall remain in place until the Defense Fund balance is once again above \$200,000.00 (two hundred thousand dollars).
- 9.2 The per capita tax shall be paid on behalf of all dues paying members, including Rand Formula payees.
- 9.3 The per capita tax shall be forwarded to the Secretary-Treasurer of CUPE New Brunswick. Local or provincial unions shall pay their per capita tax quarterly, due on the last day of April, July, October and January for the previous quarter on the basis of the average monthly membership for that quarter.
- 9.4 Each provincial union, or local union involved in a strike or lockout may seek a pro-rated reduction in per capita tax from the CUPE New Brunswick President and the Secretary-Treasurer based on the number of days off work as a result of the strike or lockout.
- 9.5 The President and Secretary of a provincial union or local union that is more than three months in arrears in per capita payments to CUPE New Brunswick shall be so notified by the Secretary-Treasurer of CUPE New Brunswick. If payment is not received by CUPE New Brunswick within thirty days of this notification, the provincial union or local union shall be suspended from CUPE New Brunswick. Should such a suspended body wish to re-affiliate to CUPE New Brunswick following suspension, the terms and conditions shall be mutually agreeable to the suspended body and the Executive Committee of CUPE New Brunswick. Such decision shall be submitted to the next convention for approval or amendment.
- 9.6 For officers on business of CUPE New Brunswick, rates for mileage or other allowances will be those set from time to time by the Executive Committee.
- 9.7 Newly chartered locals shall be entitled to apply for affiliation to CUPE NB and shall be entitled to all rights, benefits and obligations of affiliation, including Defence Fund benefits, but shall only be required to make per capita tax payments starting in the month when the first collective agreement covering that local is signed.

#### **ARTICLE 10 - NEWS BULLETIN**

- 10.1 CUPE New Brunswick shall endeavour to publish a news bulletin at least quarterly.
- 10.2 The editor of the bulletin shall be selected and appointed by the Executive Committee on or before the first executive meeting following the annual convention and he shall have the power of editorship providing same is not in conflict or contrary to the constitution of CUPE New Brunswick or its policies.
- 10.3 The following declaration shall be printed in each issue published by CUPE New Brunswick.  
*The opinions expressed herein are not necessarily those of the Canadian Union of Public Employees, CUPE New Brunswick, or any of its membership. Address all correspondence to the Editor.*

#### **ARTICLE 11 - AMENDMENT TO THE CONSTITUTION**

- 11.1 This Constitution or any part of its clauses may be amended at any regular convention by form of resolution or Executive Committee recommendation, by two-thirds majority vote of the delegates present at such convention.

#### **ARTICLE 12**

- 12.1 All official documents of CUPE New Brunswick shall be in both English and French.

## APPENDIX "A"

### RULES AND ORDER

---

The rules and order of business governing conventions shall be:

1. The President, or in his absence or at his request, a Vice-President shall take the chair at the time specified at all regular and special conventions. In the absence of both the President or his designated representative, a Chairperson shall be chosen by the Executive Committee.
2. No question of religious character shall be discussed.
3. When a delegate wishes to speak, he/she shall proceed to one of the microphones provided for that purpose. When recognized by the Chairperson he/she shall give his/her name and the organization he/she represents and shall confine his/her remarks to the question at issue.
4. Speeches shall be limited to five minutes except in moving a motion when the delegate shall be allowed ten minutes.
5. A delegate shall not speak more than once.
6. A delegate shall not interrupt another except it be to call to a point of order.
7. If a delegate be called to order, he/she shall, at the request of the Chairperson, take his/her seat until the question of order has been decided.
8. Should a delegate persist in unparliamentary conduct, the Chairperson will be compelled to name him/her and submit his/her conduct to the judgment of the convention. In such case the delegate whose conduct is in question should explain and then withdraw, and the convention will determine what course to pursue in the matter.
9. When a question is put, the Chairperson after announcing the question shall ask: "*Are you ready for the question?*" If no delegate wishes to speak, the question shall be put.
10. Questions may be decided by a show of hands or a standing vote on the basis of one vote per delegate. A roll call vote may be demanded by two-thirds of the delegates present. In a roll call vote each delegate shall be entitled to one vote.
11. Two delegates may appeal the decision of the Chair. The Chairperson shall then put the question thus: "*Shall the decision of the Chair be sustained?*" The question shall not be debatable except that the Chairperson may make an explanation of his/her decision.
12. The Chairperson shall have the same rights as other delegates to vote on any questions. In case of a tie vote, he/she shall cast the deciding vote.
13. When the previous question is moved, no discussion or amendment of either motion is permitted. If the majority vote that the question be now put, the original motion has to be put without debate. If the motion to put the question is defeated, discussion will continue on the original motion.

14. Committees may combine resolutions or prepare a composite to cover the intent of the question at issue. Reports of committees are not subject to amendment except as is acceptable to the committee, but a motion to refer back to the committee for reconsideration shall be in order.
15. A delegate shall not move a motion to refer back after he/she has spoken on the question at issue.
16. A motion to refer back is not debatable and when properly seconded the question shall be immediately put on the convention.
17. If the report of a committee is adopted, it becomes the decision of the convention. If defeated, it may be referred back to the committee for reconsideration.
18. When a question is pending before the convention, no motion shall be in order except to refer, to adjourn for the previous question, to postpone for a definite time. If any of the foregoing motions are negated, it cannot be renewed until after an intermediate proceeding.
19. A motion may be reconsidered provided the mover of the motion to reconsider voted with the majority, and notice of motion is given for consideration at the next sitting, and said notice of motion is supported by two-thirds of the delegates qualified to vote.
20. The Executive Committee is empowered to establish the hours of convention.

## APPENDIX "B" - GUIDELINES FOR COMMITTEES

### ROLE OF VICE-PRESIDENT ON COMMITTEE:

- (a) The Vice-President assigned to a committee shall attend all meetings and act as an advisor and shall be the liaison between CUPE New Brunswick and the committees.
- (b) He/she shall have voice but no vote on all matters discussed by the Committee.
- (c) He/she shall be responsible to provide expense sheets to the committee members and to ensure that the sheets are properly completed and thereafter forward them to the Secretary-Treasurer for payment.
- (d) He/she shall advise the President and/or Secretary-Treasurer of CUPE New Brunswick of the date(s), time and location of the committee meeting(s) two (2) weeks in advance if possible.
- (e) He/she shall ensure that the committee submits its report to the Secretary-Treasurer at least thirty (30) days prior to the annual convention.

Above all, the Vice-President shall ensure that the need to call a meeting is justifiable. Wherever possible a telephone conference call meeting should be undertaken in place of a regular meeting if only a few items are to be discussed.

### MEETINGS:

- (a) All Committees shall meet as the need arises and upon prior approval from the President and/or Secretary-Treasurer of CUPE New Brunswick
- (b) If possible, an agenda must be prepared for each meeting and distributed in advance to all committee members.
- (c) All meetings shall start at a time more appropriate for the proposed agenda, taking into consideration the total expenditures for said meeting.
- (d) All committees shall keep accurate minutes of all their proceedings and forward same to the Secretary-Treasurer of CUPE New Brunswick.

### EXPENSES:

- (a) All committee members shall be entitled to the normal expenses as defined on the expense sheet.
- (b) Committee members attending a meeting shall be entitled to one night's lodging prior to the day of the meeting only provided that they live in excess of a 75 kilometres radius of the meeting location and provided the meeting is scheduled for 9:30 a.m. or earlier.
- (c) Mileage shall be payable at the provincial rate established by the Executive Committee to committee members using their own vehicles to attend the meeting. Wherever possible, committee members are encouraged to travel together to avoid additional cost.
- (d) No committee member will be required to share his/her room unless mutually agreed or no other arrangement can be made.

## APPENDIX "C" - DEFENSE FUND REGULATIONS

### 1. APPLICATION FOR BENEFITS:

- (a) In order to be entitled to benefits from the CUPE New Brunswick Defense Fund, a Local must have been affiliated to CUPE New Brunswick for at least twelve (12) consecutive months prior to the strike, if not already affiliated at the commencement of this section.
- (b) Proper notice must be given to all members when a strike vote will be taken. The vote must be by secret ballot in the form stipulated by the Local. The decision to strike must be approved by the majority of members voting in the bargaining unit.

### 2. ELIGIBILITY FOR BENEFITS:

- (a) To be eligible for strike benefits, the Local must be in good standing with the Constitution of CUPE New Brunswick before the strike begins.
- (b) Only the members on the active payroll of the employer with whom the union has the dispute shall be eligible for benefits.

### 3. NON-ELIGIBILITY FOR BENEFITS:

- (a) A Local is not entitled to claim benefits for the following:
  - (1) Members unemployed or, at the beginning of the strike, on layoff unrelated to the strike;
  - (2) Members drawing sick and accident benefits;
  - (3) Members drawing Workers' Compensation benefits;
  - (4) A member who owes the initiation fee, union dues or a fine.

### 4. SCHEDULE OF BENEFITS PAYABLE:

- (a) A Local shall be entitled to strike benefits for its members who meet the criteria beginning on the first day, and each member shall be eligible for benefits only for days on which they would have been at work.
- (b) The daily benefit shall be \$30.00, to a maximum of \$150.00 per week for the first nine (9) days.
- (c) In the case of a general strike, no daily benefits shall be payable.

5. STRIKE EXPENSES NOT COVERED:

- (a) The Defense Fund will not cover the costs such as rental of strike headquarters, telephone charges, picket signs, coffee, kitchens, etc.

6. ENTITLEMENT FOR BENEFITS OTHER THAN STRIKE BENEFITS:

- (a) A Local that is compelled under legislation to go to arbitration as a final step of collective bargaining shall be entitled to request assistance from the CUPE New Brunswick Defense Fund for the total cost of expenses incurred.
- (b) Locals may apply for assistance from the Defense Fund for a special P.R. campaign on behalf of their members. Such P.R. campaign budget shall be subject to the approval of the Executive Committee.