

CONSTITUTION AND BY-LAWS

EASTERN GREAT LAKES DISTRICT CUPE COUNCIL

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PREAMBLE

These By-Laws are designed to give proper balance to the administration of the Eastern Great Lakes District CUPE Council. Duties and responsibilities of elected officers and members of the committees should be as widely dispersed as possible. While various committees have been designated as "Standing" committees, this does not preclude the possibility of special committees being established from time to time as may be required. In order to improve and maintain the social and economic welfare of its members, and to give clear evidence of its recognition of the unity of organized labour, this Council has been formed and does now establish these By-Laws for its Government. The Constitution of this Council shall be the Constitution of the Canadian Union of Public Employees.

ARTICLE 1 - NAME

1.01 This Council, chartered by the Canadian Union of Public Employees, shall be known as the Eastern Great Lakes District CUPE Council and shall be subject to the Constitution of the Canadian Union of Public Employees and the Canadian Labour Congress.

ARTICLE 2 - AIMS AND OBJECTIVES

2.01 The aims and objectives of this Council shall be;

1. To support the principles and policies of the Canadian Union of Public Employees.
2. To use its influence to unite its affiliates in co-coordinating a collective bargaining program.
3. To assist in the organization of the unorganized public employees in the locality into unions for their mutual aid, protection and advancement.
4. To aid and encourage the sale and use of union made goods and services.
5. To secure legislation which will safeguard and improve the rights of public employees through maximum participation of its affiliates in the overall program of the Canadian Union of Public Employees and through the maximum participation of the Council in municipal affairs.
6. To promote public relation programs both at the local and Council levels.
7. To safeguard the democratic character of the labour movement, and to observe and respect the autonomy of each affiliated local.
8. While preserving the independence of the labour movement from political control, to encourage workers to vote, to exercise their full right and responsibilities of citizenship, and to perform their rightful part of the political life of the Municipal, Provincial and Federal Governments.
9. To promote educational opportunities for CUPE members.

ARTICLE 3 - POWERS

- 3.01 When, and if the Council becomes defunct, its funds and properties shall revert to the Canadian Union of Public Employees.
- 3.02 The National Executive Board shall have the same power over this Council as over Chartered Local Unions in accordance with the terms of the Canadian Union of Public Employees Constitution.
- 3.03 This Council shall have only co-coordinating and advisory powers. Policy shall remain vested in the local unions, in accordance with the Canadian Union of Public Employees.

ARTICLE 4 - MEMBERSHIP

- 4.01 Membership in this Council shall be open to all local unions in the Eastern Great Lakes District chartered by the Canadian Union of Public Employees. To remain an affiliate a local must abide by the Constitution and By-Laws of this Council.
- 4.02 This Council shall not be dissolved while there are five (5) local unions remaining in affiliation.

ARTICLE 5 - AFFILIATIONS

In order to strengthen the labour movement and work toward common goals and objectives, Local 9122 shall be affiliated to and pay per capita to the following organizations:

- The CUPE Ontario Provincial Division

ARTICLE 6 - REPRESENTATION

- 6.01 Each affiliated local union shall be entitled to have four (4) voting delegates present at any regular or special meeting of the Council. Alternate delegates may be appointed or elected by each affiliate, but each affiliate will be allowed only four (4) voting delegates at any meeting.
- 6.02 Each affiliated local union shall notify the Council, in writing, of the names of the delegates/alternates who will be representing their local on the Council.
- 6.03 Any affiliate which is three (3) months or more in arrears in per capita payments to the Council may be liable to suspension of affiliation.

- 6.04 Any delegate representing a local union affiliated with this Council may be suspended or expelled, for conduct unbecoming a delegate, from membership in the Council by a majority roll call vote at a meeting. In such cases the local union which the delegate represents will be notified and requested to replace the delegate. Any decision to expel may be appealed to the National Executive Board of the Canadian Union of Public Employees. The decision will be in force and effect during the appeal.
- 6.05 National Executive Board members, CUPE Ontario Executive Board members and Staff Representatives may attend Council meetings with voice, but without vote.

ARTICLE 7 - MEMBERSHIP FEES

- 7.01 Each affiliated local shall pay a per capita payment of twenty-five cents (\$0.25) per member per month. Per capita to the Council shall be paid semi-annually or annually in advance and shall be paid on the same basis as per capita payments to the Canadian Union of Public Employees.
- 7.02 All monies collected by the Treasurer for per capita payment or from any other source, shall remain in the property of the Council until properly expended. Any affiliate ceasing to be an active member shall forfeit all rights) title and interest; in and to, the property of this Council, or any part thereof.

ARTICLE 8 - OFFICERS AND ELECTIONS

8.01 The Officers of the Council shall consist of:

President
Vice-President
Recording Secretary
Secretary-Treasurer
Trustees
Four (4) Members at large

As new locals affiliate to the Council, the number of Executive Members-at-Large shall increase, one (1) new Member-at-Large per new affiliate to a maximum of five (5). These officers, except for the trustees, shall constitute the Executive Committee.

- 8.02 All officers shall be elected from the delegates at large.
- 8.03 There shall not be more than two (2) members of the Executive Committee from the same local union affiliate.
- 8.04 All candidates for office shall be fully accredited delegates to the Council.

- 8.05 Nominations and elections shall take place every two (2) years at the September October meeting. The positions of President and Secretary-Treasurer and 2 members at large shall be elected in odd years and the position of Vice-President and Recording Secretary and 2 members at large shall be elected in even years. The installation of officers shall take place at the meeting at which they were elected.
- 8.06 No delegate may be nominated for office in the Council unless present at the nomination and election meeting, or unless the proposer has official consent in writing. Only accredited delegates may be nominated to an office in the Council or as a delegate to a convention.
- 8.07 Election of Officers shall be by secret ballot and the presiding officer will appoint a returning officer and scrutineers from among the delegates to count them.
- 8.08 In the event of a vacancy in any office, the President shall select a member to fill the vacancy until an election can be held. In the case of a vacancy in the position of President, the Vice-President shall perform the duties of President until a successor is elected. An election shall be called as soon as possible after the vacancy occurs.
- 8.09 Any candidate may appeal for a recount of votes at the election meeting.
- 8.10 If an Officer fails to attend three (3) consecutive membership meetings or three (3) consecutive executive meetings without good and sufficient reason, their office will be declared vacant and filled at the next meeting.
- 8.11 In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.

ARTICLE 9 - DUTIES OF OFFICERS

9.01 President:

It shall be the duty of the President to preside at all meetings of the Council, to preserve order and decorum, and to enforce the Constitution and By-Laws. The President shall be spokesperson for all delegations representing the Council unless another member has been appointed to do so, or unless as provided for in Article 8. The President shall carry out other duties as are required by the delegates. The President shall sign all official documents and shall be one of the signing officers for the disbursement of funds. The President shall be an ex-officio member of all committees.

9.02 Vice-President:

It shall be the duty of the Vice-President to assist the President and in the absence of the President to discharge the duties of the President. The Vice-President shall keep a record of all members present at all meetings of the Council. The Vice-President shall be one of the signing officers for the disbursement of funds. On request of the President, the Vice-President shall act in the absence of either the Recording Secretary or the Secretary-Treasurer. The Vice-President shall be the Chairperson of the Executive Committee.

9.03 Recording Secretary:

It shall be the duty of the Recording Secretary to keep full and impartial records of the proceedings at all meetings of this Council. The Recording Secretary shall read same at all general meetings and submit them for the signature of the Presiding Officer. The Recording Secretary shall refer all correspondence/communications to the Executive Committee or the Presiding Officer and reach such as requested. The Recording Secretary shall record all officers present at every meeting, shall notify all members when there is to be a meeting. All incoming and outgoing communications shall be handled by the Recording Secretary.

9.04 Secretary-Treasurer:

The Secretary-Treasurer shall maintain a proper system of bookkeeping, purchase the necessary books and stationary for this purpose, carry out the instructions of the Council, be prepared at any meeting to inform the President of the bank balance, pay all bills authorized by the Council. When attending the regular meetings, the Secretary-Treasurer shall read out item by item all disbursements since the last report. The Secretary-Treasurer shall be guided by the recommendations of Trustees. The Secretary-Treasurer shall be allowed a petty cash of fifty dollars (550.00) and shall be accountable for such funds. The Secretary-Treasurer shall, subject to the approval of the Council, invest surplus funds of the Council in securities or deposit them in a bank or banks. The Secretary-Treasurer will be one of the officers having signing authority.

9.05 Trustees:

- Act as an Auditing Committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, the Recording Secretary, and the Committee at least once every calendar year.
- Make a written report of their findings to the first Membership Meeting following the completion of each audit.
- Submit in writing to the President and Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Council's funds, records, and accounts are being maintained by the Secretary-Treasurer in an organized, correct and proper manner.
- Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization.
- Ensure that proper Financial Reports have been given to the membership.
- Audit the record of attendance.
- Send to the National Secretary-Treasurer, with a copy to the assigned Servicing Representative, the following documents:
 - Completed Trustee Audit Program
 - Completed Trustee's Report
 - Secretary-Treasurer Report to the Trustees
 - Recommendations made to the President and Secretary-Treasurer of the Council
 - Secretary-Treasurer's response to recommendations
 - Concerns that have not been addressed by the Council Executive Board

ARTICLE 10 - DELEGATES TO CONVENTION

10.01 The President shall be the delegate to the National Convention. The basis for representation to the Ontario Division Convention shall be two (2) delegates as per the Constitution. The President shall be the delegate plus one (1) elected delegate from the Local delegates to Council. If the President does not choose to be a delegate to a convention then a delegate shall be elected from the Executive Committee.

ARTICLE 11 - MEETINGS

11.01 Time and date for regular meetings shall be set for the year by the Executive Committee after elections in October. Special meetings shall be held when deemed advisable by the Executive Committee or on written petition from five (5) or more affiliated locals.

11.02 A quorum shall consist of five (5) eligible delegates for all regular and special meetings of the Council, with representation from at least three (3) affiliated locals.

11.03 The Executive Committee may dispose of financial matters that would have been decided by the Council; but may not dispose of matters relating to the By-Laws and Constitution. Any actions taken by the Executive Committee shall be reported to the membership at the next Regular General Membership Meeting.

11.04 Order of Business

1. Call to order
2. Land Acknowledgement Statement
3. Reading of the Equality Statement.
4. Roll call of officers
5. Voting on new affiliates
6. Reading of the previous minutes
7. Matters arising from the minutes
8. Secretary-Treasurer's Report
9. Communications and bills
10. Executive Committee Reports
11. Reports of Committee
12. Reports of delegates
13. Nominations, elections, or installations
14. Unfinished Business
15. New Business
16. Good of the Union
17. Adjournment

ARTICLE 12 - FINANCIAL MATTERS

12.01 Any delegate appointed or elected on any business of the Council within Eastern Great Lakes District shall receive thirty dollars (\$30.00) per day expenses. A delegate appointed or elected on Council business outside the area of Eastern Great Lakes District shall receive seventy (\$70) per day expenses, plus transportation at economy fare, plus hotel accommodations when applicable. Transportation cost, lost wages and hotel accommodations where applicable shall be reimbursed by the Council.

12.01 Out-of-pocket expenses may be established on the recommendation of the Executive Committee to the delegates at large and in accordance with the National Constitution. The establishment of out-of-pocket expenses shall be on a two-thirds (2/3) majority of the delegates.

12.03 Expenses shall be paid as follows:

Any delegate appointed or elected on any business of the Council shall receive the following:

- (a) reimbursement for most economic and safe mode of transportation (price per km for driving your own vehicle would be as per CUPE National rate plus parking);
- (b) lost wages - letter from employer on company letterhead or pay stub showing rate of pay and wages lost during period. To be submitted to the Secretary Treasurer to be reimbursed;
- (c) hotel accommodations where applicable.

12.04 Out-of-pocket expenses for the Executive shall be as follows:

President	\$500.00 annually at the end of each year in office
Vice President	\$300.00 annually at the end of each year in office
Recording Secretary	\$300.00 annually at the end of each year in office
Secretary Treasurer	\$300.00 annually at the end of each year in office
Member at Large	\$150.00 annually at the end of each year in office
Trustee	\$ 75.00 annually at the end of each year in office

12.05 The normal expenses of Educational Workshops sponsored by the Council shall be paid.

ARTICLE 13 - COMMITTEES

13.01 Standing Committees:

- (a) Standing committees shall be established on the recommendation of the Executive Committee. Members of the committees shall be elected from the delegates at large.
- (b) All standing committees shall present regular reports to meetings of this Council, along with any recommendations.

13.02 Special Committees:

Special committees may be established by the Executive Committee and are the positions on the committees filled by election or appointment by the President.

- 13.03 No expenditure by any committee shall be incurred unless same has been approved by the Council. Between Council meetings, the President may approve and be held accountable for such expenditures.

ARTICLE 14 - SECTORAL GROUPS CO-COORDINATING COMMITTEES

- 14.01 The Sectoral groups may establish special co-coordinating committees. The appropriate member of the Executive Committee shall be a member of the special committee.
- 14.02 Copies of the minutes of meetings of these special committees shall be forwarded to the Secretary of the Council not later than one (1) month after a meeting is held.

ARTICLE 15 - AMENDMENTS TO THE CONSTITUTION

- 15.01 The Constitution and By-Laws of this Council may be changed by a two-thirds (2/3) majority vote of the delegates present at a regularly convened meeting of the Council if notice of the amendment has been presented in writing at the meeting immediately preceding and providing it does not conflict with the Constitution of the Canadian Union of Public Employees. Any amendments shall become effective after the approval by the National President of the Canadian Union of Public Employees.

ARTICLE 16 - OBLIGATION OF DELEGATES

- 16.01 I, _____ sincerely promise and declare that I will be faithful to the duties devolving upon me as a delegate to this Council, that I will attend all meetings of this Council, if possible, and work at all times for, and in the interest of this Council and the Canadian Union of Public Employees.

ARTICLE 17 - POLICY

- 17.01 In all matters not regulated, Bourinot's Rules of Order shall govern.
- 17.02 Affiliated local unions wishing to submit any matter that it deems in the interest of the affiliate or in the interest of the public may submit such matter in writing to the Secretary of the Council. The Council affiliates should make such submissions one (1) day prior to the meeting at which the affiliate wishes that matter presented for debate.
- 17.03 No communication shall be read at the regular meeting or resolution introduced unless same has first been submitted to the Executive Committee at their regular meeting preceding the Council meeting. The same to be applicable to requests to address the delegates from visiting organizations, except where in the opinion of the Executive Committee, in the event of a strike or matters of importance that have occurred between the regular meetings of the Executive Committee and that of the Council meeting.

17.04 Any affiliate with the Council wishing to place a resolution before the Council shall present the said resolution to the Recoding Secretary, who shall submit it to a meeting of the Executive Committee.

APPENDIX A – CODE OF CONDUCT

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

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

This Code of Conduct sets out standards of behaviour for participants at national convention, conferences, schools, meetings, and any other union events organized by CUPE National, Local 9122, or any other CUPE chartered body. It is consistent with the expectations outlined in the Equality Statement and the CUPE National Constitution.

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

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

- Abide by the provisions of the Equality Statement.
- Respect the views of others, even when we disagree.
- Recognize and value individual differences.
- Communicate openly.
- Support and encourage each other.
- Make sure that we do not harass or discriminate against each other.
- Commit to not engaging in offensive comment or conduct.
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating.
- Take responsibility for not engaging in inappropriate behaviour due to use of alcohol or other drugs while participating in union activities, including social events.

Harassment is objectionable behaviour which may include actions, language, gestures, and/or written material, and which the harasser knows or ought reasonably to know is abusive and unwelcome. Bullying is a form of harassment which is serious ongoing behaviour which targets an individual or group and which threatens that person or persons' mental and/or physical well-being.

A complaint regarding the Code of Conduct will be handled as follows:

1. If possible, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code by asking them to stop such behaviour. If that is not possible, or if it does not resolve the problem, a member may bring forward a complaint.
2. A complaint shall be brought to the attention of an ombudsperson when there is one available. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
3. The ombudsperson or the person in charge will work to seek a resolution. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge. The person in charge has the authority to expel members from the event for serious or persistent offenses.
4. If the complaint involves a national staff member, it shall be referred to the appropriate director for investigation and the complaint shall be dealt with in accordance with the applicable staff collective agreement. If the complaint involves a staff member employed by another CUPE chartered organization, the complaint shall be referred to the person responsible for their employment.
5. If the person in charge is a party to the complaint, an alternate will be designated to assume the role.
6. In a case where a member has been expelled from a National event, the National President shall receive a report on the matter. For other events, the presiding officer shall receive a report on the matter.
7. For events organized by CUPE National, the National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National. For other events, the presiding officer shall consult the National President.

This Code of Conduct is designed to create a safe, respectful, and supportive environment within CUPE. It is meant to enhance the rights and obligations outlined in the CUPE National Constitution, the Equality Statement, and applicable human rights legislation, not replace them.

This Code of Conduct does not replace a member's right to access the trial provisions under Appendix F of the CUPE National Constitution.