

CANADIAN OFFICE AND PROFESSIONAL EMPLOYEES UNION,
Local Union 131
Constitution and Bylaws - February 26, 2016

Article 1
PREAMBLE

1. This Union declares as its objectives and aspirations the following; to organize all unorganized professional, technical, office and clerical employees; to secure terms and conditions of employment for its members in keeping with the ideals of fair wages; to promote and encourage harmonious relations between ourselves and our employer or employers; to render all possible assistance to our fellow members in the Canadian Labour Congress and to have, in general the same aims and purposes of the National Union as provided for in its Constitution in the interests of all professional, technical, office and clerical employees.

Article 2
NAME

2. This organization located in Toronto, Ontario shall be known as the Canadian Office and Professional Employees Union COPE, Local 131. This union shall be and remain a chartered Local Union of the Canadian Office and Professional Employees Union of the Canadian Labour Congress.

Article 3
EXISTENCE

3. Whenever this Local Union ceases to represent employees of any employer, in such a way as to affect its viability, the National Union Executive Board may suspend the charter of this Local Union and order it dissolved. Upon the dissolution of this Local Union, all its properties and assets, including its funds, books and records, shall become the property of COPE Ontario and held in trust for a period of one (1) year, during which time such property shall be returned to this Local union if it is reconstituted. After such one (1) year period should this Local Union not be reconstituted said properties and assets shall become the property of COPE Ontario, and the funds will be placed in the COPE Ontario Treasury to be used by COPE Ontario for its general purposes.

Article 4 JURISDICTION

4. This Local Union shall have jurisdiction over all those persons employed in an office, all professional, technical, or paratechnical employees or employees or representative, and all those persons working in a related area of work and over all those persons wishing to be represented by this Local Union.
1. This Local Union recognizes the right of the Executive Board of COPE Ontario to determine jurisdiction between Local Unions of the National Union in the province and to settle all controversies between Local Unions in this regard. This Local union agrees to submit all grievances respecting jurisdiction, in writing, to the Executive Board of COPE Ontario.

Article 5 MEMBERSHIP

5. No person shall be admitted to membership who advocates principles or lends support to organizations or movements whose purposes and objectives are in conflict with those of the National Union.
- 5.02 All officers of the National Union and representatives of COPE Ontario shall be ex-officio members of this Union with the privileges of participating in this Local Union's meetings with voice but no vote; provided, however, such officers and representatives shall retain and may exercise rights of participation in this Local Union if they hold memberships in this Local Union.
- 5.03 Any members of this Local Union who secures employment under the jurisdiction of any other Union affiliated with the Canadian Labour Congress not under the jurisdiction of this National Union, who is thereby required to become a member of such other union, may retain membership in this Local Union.
- 5.04 An active member is an individual who satisfies to the criteria set out in the National Constitution.
- 5.05 Active members shall enjoy all rights and privileges of membership in their respective Local Unions and Councils, and in the National Union.
- 5.06 All members in good standing shall be entitled to participate in the affairs of this Local Union until expelled, or suspended and not reinstated.
- 5.07. The signature of a membership application constitutes the undertaking to comply with the constitution of the National Union, Local Union and council. Membership shall be deemed accepted unless denied by the Executive Board of the Local Union for just and sufficient cause. An appeal of this decision is possible under the applicable procedure.
- 5.08 No member shall hold right, title or interest in the assets, funds and/or other property of the Local Union, Council or National Union.

Article 6 GENERAL MEMBERSHIP MEETINGS

- 6.01 The General Membership Meeting shall be the governing body of this Local Union and shall establish its policies in accordance with this Constitution. The General Membership Meeting shall be the legitimate source of all authority.
- 6.02 Regular meetings of the membership of this Local Union shall be held during once every three (3) years at the place designated by the Executive Board.
- 6.03 Ten per cent (10%) of the members in good standing shall constitute a quorum for any regular meeting and twenty per cent (20%) of the members in good standing shall constitute a quorum for any special meeting. No meeting shall be called to order unless such quorum is present. Unless it is otherwise stipulated, decisions are made by majority vote.
- 6.04 A special meeting of the Union may be called by the Executive Board if it deems such action necessary or a special meeting of the Union may be called upon a request submitted to the President by not less than twenty percent (20%) of the members in good standing, but said meetings shall not take place on the day of adjournment of any regular meeting.
- 6.05 Meeting notices shall be posted in all worksites.

Article 7 OFFICERS AND DUTIES

- 7.01 The Local Union shall have the following officers: President, Vice President, Secretary-Treasurer, and at least three (3) Trustees as determined by the Executive Board.
- 7.02 The President shall preside at all general membership meetings and Executive Board meetings; shall preserve order during deliberations; sign all cheques drawn on the treasury; appoint all committees not otherwise ordered; transact such other business as may of right pertain to the office of the President and which may be necessary for the proper functioning of this Local Union; and shall have such other powers and duties as are provided for in this Constitution and Bylaws. The President, or Designate shall be the main spokesperson and officer of the Local Union, or Council; It shall be the duty of the President to protect and promote its interests.
- 7.02.1 The National Union shall be provided, upon request, with a copy of a concluded collective agreement by the President
- 7.03 The Vice-President shall perform the duties of the President in his/her absence, and, in the case of resignation or death of the President, shall perform the duties of the President until such vacancy is filled by the next regular election as provided for in this Constitution and Bylaws. The Vice-President shall also preside when called upon by the President and at times when the President

may be temporarily unable to discharge the duties vested in the office of President.

The Vice-President is required to call no less than quarterly meetings of the Trustees. The Vice-President shall have the right to require the presence of all necessary officers at such meetings including the Secretary-Treasurer.

7.04.1 The Secretary-Treasurer shall perform the following duties; The Secretary-Treasurer shall keep all financial accounts of this Local Union; shall maintain correct and proper accounts of all its members; collect all dues, assessments and fines from members of this Local Union; make all disbursements for this Local Union as provided for in this Constitution and Bylaws; and keep correct record of all monies received and expended and prepare financial statements by calendar months to be submitted to the Secretary-Treasurer of the National Union monthly, and to the next regular membership meeting of this Local Union. Where there are trustees, The Secretary-Treasurer shall, upon request submit to the Trustees all books and records including financial documents, invoices, original bank statements and other supporting documents.

7.04.2 The Secretary-Treasurer shall deposit all funds of this Local Union in a financial institution, may it be a bank or Credit Union and shall submit to the National Secretary-Treasurer all relevant information pertaining to those bank accounts (name of the institution, full address, account number...). The Secretary-Treasurer shall endeavour to deposit such funds in unionized financial institutions. The Secretary-Treasurer shall submit all books and records to the Trustees for verification and approval whenever called upon to do so, and, upon the expiration of term of office, turn over to his/her successor all properties and assets, including funds, books, and records of this Local Union. The Secretary-Treasurer shall turn over all properties and assets, including funds, books, and records, to the Secretary-Treasurer of the National Union or the duty authorized representative when properly called upon to do so.

The Secretary-Treasurer shall keep a correct record of all union meetings and of all meetings of the Executive Board of the Local Union unless the Local Union provides for and elects a recorder for such purpose.

The Secretary-Treasurer will provide the National President and the National Secretary-Treasurer with the names and contact information of all the Local Union officers as well as any changes to that information.

7.04.3 The Secretary-Treasurer shall transmit monthly to the Secretary-Treasurer of the National Union all financial obligations owing to the National Union not later than the fifteenth (15th) day of the following month. The Secretary-Treasurer shall follow such accounting and reporting procedures as shall be formulated by the Secretary-Treasurer of the National Union. The Secretary-Treasurer shall be required to make monthly reports to the Secretary-Treasurer of the National Union of all dues-paying members on forms prescribed by the National Union.

7.04.4 The Secretary-Treasurer shall be required to include in each monthly report the names and addresses of all new and reactivated members; and members who have withdrawn, died, or have been suspended.

- 7.04.5 The Secretary-Treasurer shall transmit monthly to the Secretary-Treasurer of COPE Ontario all financial obligations due to COPE Ontario no later than by the fifteenth (15th) day of the following month.
- 7.04.6 The Secretary-Treasurer shall transmit monthly to the Secretary-Treasurer of the OFL all financial obligations due to the OFL no later than by the fifteenth (15th) day of the following month.
- 7.04.7 A petty cash fund maybe established by the Executive Board and shall be maintained by the Secretary-Treasurer to pay immediate necessary petty cash demands upon this Local Union. Replenishment of this fund shall be by cheque, at least once monthly, the amount being the total paid out vouchers for prior disbursements.
- 7.04.8 The Secretary-Treasurer shall keep a correct record of all Local Union meetings and of all meetings of the Executive Board of this Local Union.
- 7.04.9 The Secretary-Treasurer shall keep copies of all agreements at the Local Union Office (if one exists) so that they will be available for inspection by any member or employee whose rights are directly affected.
- 7.04.10 The Secretary-Treasurer shall send a copy of all collective bargaining agreements entered into by this Local Union to the President of the National Union.
- 7.05 The Trustees shall meet quarterly and at the end of the fiscal year, and verify all books and financial records. The Trustees shall report to the Union, and to the Secretary-Treasurer of the National Union, or, if the Local Union so chooses, it may, as an alternative, have the audit conducted annually by a certified public accountant in Canada or a chartered public accountant in Canada, and have such audits reported to this Local Union and to the Treasurer of the National Union.

Article 8 EXECUTIVE BOARD

- 8.01 The Executive Board shall consist of the President, Vice-President, and Secretary-Treasurer. Regular meetings of the Executive Board shall be held once every month except for the months of July and August.
- 8.02 Each member of the Executive Board shall have one (1) vote. Unless it is otherwise stipulated, decisions are taken by a majority vote.
- 8.03 The majority of the members of the Executive Board shall constitute a quorum, and such quorum shall have the power to transact all business of the Executive Board. Regular meetings of the Executive Board shall be held. Special meetings of the Executive Board may be called by the President, and must be called by the President upon request of a majority of the Members of the Board. All members of the Board shall be given reasonable notification by the Secretary-Treasurer of any special meeting of the Board.

- 8.04 The Executive Board shall conduct affairs of the Local Union with this constitution as its guide. With this constitution as its guide, the Executive Board shall take all actions necessary to carry out the aims and objectives of this Local union.
- 8.05 The Executive Board may engage legal counsel or other professional and determine the compensation for such services subject to the approval of the membership.
- 8.06 The Executive Board may appoint temporary organizers for a period of time to be determined by the Executive Board subject to approval of the membership but not to exceed the term of the Executive Board and determine the compensation for such services.
- 8.07 The Executive Board shall authorize employment of such clerical assistance as it deems necessary for the proper conduct of the Local Union's business and shall determine the compensation for such employees subject to the approval of the membership.
8. The Executive Board shall determine compensation for all officials of the Local Union subject to the approval of the membership.
9. Any officer or member of the Executive Board as enumerated in Section 1 of this Article who fails to attend three (3) successive meetings, without being excused from such attendance by the Executive Board, shall be deemed to have forfeited such office, and the Executive Board pursuant to Article 9, may appoint a successor for the balance of the un-expired term.

Article 9 ELECTIONS

- 9.01 There shall be a general election of officers every three (3) years.
- 9.02 For reference, 2017 is an election year.
- 9.03 The officers shall be elected at the general membership meeting and shall hold office for a term of three (3) years.
- 9.04 No person shall be elected or appointed to an office unless such person has been a member of this Local union in continuous good standing for at least the preceding twelve (12) months.
- 9.05 The nominations shall be declared open at the regular membership meeting. All persons nominated shall indicate verbally or in writing their acceptance or declination at the nomination meeting.
- 9.06 No member of this Local union shall be permitted to vote unless in good standing.
- 9.07 No member shall hold more than one (1) of the offices specified in Article 7 at one and the same time.

- 9.08 An election chairperson shall be elected at the general membership meeting.
- 9.09 The election chairperson shall act with impartiality and refrain from any activity which might influence the outcome of any vote.
- 9.10 The election chairperson is charged with the duty of conducting the election.
- 9.11 The election chairperson shall have the duty of enforcing the right to vote of the members and shall see that such right of franchise is not interfered with or hindered by anyone.
- 9.12 The election chairperson shall verify the membership status of a member before permitting them to vote whenever necessary.
- 9.13 The candidate(s) receiving the greatest number of votes for the respective office shall be declared elected.
- 9.14 No votes for any member who is not duly nominated and listed on the ballot may be counted by the Election Board (no stickers or write-in candidates).
- 9.15 There shall be no voting by proxy, or mail ballot, except that in circumstances where geographic location may cause difficulties in following the usual election procedures and upon submission to the National Union President of an approved voting plan, mail balloting may be allowed.
- 9.16 All election records and ballots shall be turned over to the Secretary-Treasurer for safekeeping among the records of this Local Union for not less than one (1) year. The election records cannot be opened unless authorized by this Local Union.
- 9.17 All officers and Executive Board members shall be inaugurated following the election and shall assume office immediately after such inauguration. Before assuming the duties of their respective offices, the newly elected officers shall take the following oath of office:
 - “I,, do hereby sincerely pledge my word and honour to perform the duties assigned to me in this Local Union Constitution and Bylaws, to the best of my ability and with complete good faith to support, advance and carry out all official policies of the Local Union and to promote a harassment and discrimination free environment. I will at all times devote my efforts to further the aims, objectives and best interests of the Canadian Office and Professional Employees Union. I will also surrender all books, papers, electronic data and other property of this Local Union in my possession to my successor in office.”

Article 10 FINANCES

- 10.01 The regular dues of the active members of this Local Union shall be the minimum set out in the National Constitution. The Local Union can seek approval from the National Executive for a lower minimum dues structure if the Local Union can demonstrate that it is financially viable.
- 10.02 All proposals for assessments and increases of dues must be presented to the Executive Board. If the Executive Board approves of an assessment or such increase of dues, the motion shall be incorporated into its minutes to be read to the next membership meeting. There can be no vote or discussion on the subject of the assessment or dues increase at that meeting, but it shall be held over until the succeeding membership meeting. The meeting notice for the succeeding meeting shall contain a statement informing members of the nature of the proposal and that a vote will be taken at that membership meeting. A majority vote, by secret ballot, shall be required to constitute acceptance of the proposed assessment or dues increase. Notice of such meeting shall be given to all members in good standing not less than fifteen (15) days prior to the date of such meeting.
- 10.03 All assessments are subject to the approval of the President of the National Union in advance of being levied.

Article 11 USE OF FUNDS

- 11.01 The funds of this Local Union cannot be divided in any way among the individual members and can be utilized only for valid union purposes.
- 11.02 The general funds shall be used for the payment of expenses incurred by this Local Union on behalf of its membership primarily for organizing, defense, services and contract administration.
- 11.03 All disbursements shall be made by cheques drawn on the general funds, and shall be signed by either the President or the Vice-President of this Local Union and the Secretary-Treasurer.
- 11.04 The fiscal year of this Local Union shall be the twelve (12) month period ending with the last day of the month of December of the year.
- 11.05 Obligations owed by this Local Union to the National Union shall constitute a preferred claim and must be paid promptly.
- 11.06 Any financial obligations owed by this Local Union to COPE Ontario or to COPE shall be paid in accordance with the Constitution of the Council or of the National Union.

Article 12 VERIFICATION OF BOOKS

- 12.01 The Trustees shall examine every cheque issued by this Local Union. They shall periodically (at least quarterly and at the end of each fiscal year) verify the

- books, vouchers and other financial records of this Local Union, and shall report each such verification to this Local Union and to the Secretary-Treasurer of the National Union, or, if the Local Union so chooses, it may, as an alternative, have the verification conducted annually by a chartered public accountant and have such verifications reported to the Local Union and the Secretary-Treasurer of the National Union.
- 12.02 The Trustees shall prepare a report and submit it to the Executive Board. Following the submission of the Trustees' report to the Executive Board, the same shall be read at the next regular membership meeting and shall be posted on the bulletin boards in the office of this Local Union for the ensuing two (2) weeks.

Article 13 PROHIBITED ACTIVITIES

- 13.01 Any members may be penalized for committing any one or more of the following offenses:
- 13.01.1 Tampering with ballots, illegal voting, committing fraud, violence, coercion or other conduct not included in the foregoing, which in any manner interferes with a members' right of franchise.
 - 13.01.2 Working for an employer against whom this Local Union has declared a strike or has been locked out or whom this Local Union has declared to be unfair unless permission has been granted by the proper officers of this Local Union;
 - 13.01.3 Working for less than the rate of pay provided for by the contract with this Local Union;
 - 13.01.4 Failure to appear before the Local Union Executive Board when ordered to do so;
 - 13.01.5 Obtaining membership through fraudulent means, or by misrepresentation;
 - 13.01.6 Violation of the oath of office of an officer;
 - 13.01.7 Working in the interests of any organization or a dual union opposed to the interests of this Local Union or the National Union;
 - 13.01.8 Being present or entering a meeting of the Executive Board while intoxicated, or disturbing the peace of any such meeting by creating or participating in a disturbance or of similar conduct in or about the headquarters of this Local Union;
 - 13.01.9 Causing or participating in a stoppage of work because of any alleged grievance or dispute without the authorization of this Local Union or its proper officers;
 - 13.01.10 Any acts of misconduct which are detrimental to the best interests of this Local Union or of conduct unbecoming of a member of this Local Union; or violation of any of the provisions of the constitution and Bylaws of this Local Union or of the Constitution of the National Union.

- 13.01.11 Publicizing or giving information about this Local Union affairs to persons not entitled to such information.
- 13.02 Any member who has been found guilty of any of the above offenses or of violation of the National Union Constitution may be disciplined.

Article 14 PROCEDURE AT MEETINGS

- 14.01 The President of this Local Union shall act as Chairperson at all meetings. Except as otherwise provided in this Constitution and By-laws the latest issue of “Bourinot” shall apply at all meetings of this Local Union.
- 14.02 It is provided further, that members requesting the floor from the Chairperson shall make that request by stating their name, position, and place of employment, or department or service.

Article 15 DISCIPLINE PROCEDURE

This Local Union may discipline their members or Officers for violation of the National Constitution or the Local Union Constitution and/or By-laws or for engaging in any activity or course of conduct which is deemed to be contrary or detrimental to the welfare or best interests of this Local Union. The Local Union follows the Canadian discipline procedures adopted by the National Executive.

Note: The official Discipline procedure is posted on the National Union website.

A different set of discipline procedures requires the approval of the National President.

Article 16 STRIKE AND LOCKOUT BENEFIT AND DEFENCE FUND

- 16.01 This Local Union shall not call a strike against an employer, or employers, unless the members of this Local Union employed by such employer or employers have authorized such strike action by a secret ballot majority vote of those present at a meeting called for this purpose. Commencing a strike shall not be construed as approval, ratification, or participation by the National Union in any particular activity of this Local Union involving such strike and shall imply no more than that such strike is not contrary to the best interests of the National Union, its Local Unions, and its members. The role of the National President shall be to ensure that strike voting procedures are in conformity with the constitution and applicable laws.
- 16.02 The President of the National Union shall be informed of all strikes by this Local Union before they are called.
- 16.03 Strikes against any employer, or employers, may be terminated if a majority of the members of this Local Union affected present at a meeting so decide by secret ballot.
- 16.04 When this Local Union is involved in a strike or lockout it shall make application to the National President for strike benefits to be drawn from the National Union Strike and Lockout Benefit and Defence Fund.

Article 17 VACANCIES IN OFFICE

In the event any vacancy of an officer of this Local Union is created, the Executive Board shall be empowered to appoint a successor to fill the balance of the unexpired term; and such appointee shall hold office until the next regular election for that office.

Article 18 LIMITATIONS ON COMMITTEES

- 18.01 In addition to other committees and boards established by this Constitution and Bylaws, this Local Union shall provide for such other standing committees, and from time to time such special committees, as may be proper and necessary to conduct the business of this Local Union.
- 18.02 In establishing such other committees, the duties of the committee, the extent of its authority, and the permissible amount of expenditures that may be made by such a committee must be made as part of the minutes. In any event, such committees shall not be permitted to exercise function belonging to other committees or boards; shall not make or authorize expenditures without prior approval of the membership; exceed the authority granted to them by the

membership. The President of this Local Union shall be an ex-officio member of all committees.

Article 19 AFFILIATION AND DELEGATION

- 19.01 This Local Union shall be affiliated with the Ontario Federation of Labour and also with the Canadian Labour Congress through the National Union. This Local Union shall be and remain a chartered Local Union of the Canadian Office and Professional Employees Union (COPE SEPB).
- 19.02 This Local Union may be affiliated with councils or departments chartered by or affiliated with the Canadian Labour Congress or Ontario Federation of Labour and the Canadian Office and Professional Employees National Union. Notwithstanding any other provision of this Constitution and Bylaws, affiliation with COPE Ontario is mandatory.
- 19.03 Delegates to the aforesaid labour organizations, councils, departments or federations shall be selected in such a manner as determined by vote of the membership at the regular meeting of this Local Union.
- 19.04 Each delegate to a Convention of the Canadian office and Professional Employees National Union must have been in continuous good standing in this Local Union for at least twelve months prior to the convening of the Convention, unless this Local Union has been functioning (the period when the Local Union shall be deemed to be “functioning” shall be that commencing with the first month for which per capita tax payments are regularly made) for less than one (1) year, in which case delegates must have been in good standing during the period that this Local Union has been functioning. Each delegate shall be an active member of the Executive Board.
- 19.05 Delegates shall attend the meetings or sessions of the body or assembly to which they have been delegated, faithfully represent this Local Union and protect its interests, and properly present and support its declared policies and instructions. They shall report to this Local Union the proceedings of the organizations to which they were delegates and perform such other duties as pertain to their office.

Article 20 NATIONAL CONSTITUTION

The Constitution of the National Union shall be the paramount law governing the affairs of this Local Union. Any provision contained in the constitution and bylaws of this Local Union which is contrary to or in conflict with the provisions of the National Union Constitution shall be inoperative and of no effect except as the National President may otherwise specifically approve.

Article 21 AMENDMENTS TO CONSTITUTION

- 21.01 A proposed amendment to this Constitution may be introduced by the Executive Board, or by a petition containing the proposed amendment, which has been signed, by at least ten percent (10%) of the members in good standing. Such petition must be presented to the Executive Board before it can be considered by the body.
- 21.02 Amendments to the Constitution must be voted at a membership meeting and be accepted by a two-thirds (2/2) vote of those eligible members voting on such matters except that changes in dues, initiation fees, and reinstatement fees shall require only a majority vote of those members voting on any such issue.
- 21.03 No amendment to this Constitution and Bylaws shall take effect until the approval of the President of the National Union has been secured.