



# **CONSTITUTION AND BY-LAWS**

**CANADIAN UNION OF PUBLIC EMPLOYEES**

**NEW BRUNSWICK**

*(Ratified April 2025/ Approved by the National President - September 4, 2025)*

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## **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. 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, 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 to promote equal treatment of everyone regardless of class, race, colour, national origin, age, sex, gender identity and expression, language, sexual orientation, place of origin, ancestry, creed or religion, mental or physical disability, marital status, family status, political belief or activity and to actively oppose discrimination and harassment on any of these grounds.
- 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 in dealing with matters specific 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.
- (f) Positive promotion of CUPE members and the services they deliver in New Brunswick.

### **ARTICLE 3 – MEMBERSHIP**

- 3.1 Membership in CUPE New Brunswick shall be open to provincial unions, local unions and provincial occupational groups 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 and the CUPE NB Executive Board shall determine the geographic location, date and time of the convention on the recommendation of the CUPE NB Executive Committee.

#### **4.2 Convention Call**

The convention call shall be forwarded to all affiliates at least ninety (90) days prior to the opening date of the convention.

#### **4.3 Registration Fee**

The CUPE NB Executive Board shall set the registration fee for each delegate and it will be stated in the convention call. The registration fee for delegates and alternates shall be attached to the credential and 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 provincial councils of unions, a provincial occupational group, the basis of representation shall be one delegate per provincial council, or group. Representation from 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) **CUPE NB CONVENTION ASSISTANCE FUND**  
A Convention Local Assistance Fund to assist locals who would not otherwise be able to attend CUPE NB Convention. An annual budget of fifteen thousand dollars (\$15,000). The CUPE NB Executive Board may increase this budgeted amount.

To be eligible for the fund, locals will have the following criteria:

- With an average membership of fifty (50) members from the previous twelve (12) months
- An up-to-date Trustees Report
- Less than \$15,000 in their bank account
- At least 1.5% dues structure
- Local must be in good standing
- Must be affiliated to CUPE NB

Request for this assistance shall be made 45 days prior to the convention on the prescribed form.

A local attending CUPE NB Convention with the assistance of CUPE NB shall only be eligible to send one delegate. The local will receive a reimbursement of 75% of the cost of registration, lost wages, hotel, meal allowance and travel.

Priority Consideration shall be given to locals that have not previously received assistance.

Priority will be given to locals who have not attended convention in the last 5 years.

(c) On-Site Services

- (1) CUPE NB Youth Camp  
CUPE NB provides a youth camp for delegates' children ages 11 – 14 during the CUPE NB Convention as per the convention call.
- (2) Child Care  
Child Care during convention will be provided as per the convention call pursuant to Article 10.7.

4.5 **Alternate Delegates**

An affiliated local union, 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, convention may continue at the discretion of the chair but no business shall be conducted until quorum is restored or the convention may adjourn to time set by the chair.

#### 4.7 **Resolutions and Constitutional Amendments**

- a) All resolutions and constitutional amendments to be considered at the convention must be submitted by a local union or provincial council, or occupational groups organized under Article 4.7 of the National Constitution or by the Executive Board of CUPE New Brunswick, so that they are in the hands of the Secretary-Treasurer not later than ninety (90) days prior to the convention. All resolutions must be signed by the presiding officer and secretary of such affiliate. The Secretary-Treasurer will endeavour to send the documents to the CUPE NB Executive for distribution at least fourteen (14) days prior to convention.
- b) Emergency Resolutions dealing with matters that have arisen less than ninety (90) days prior to the opening of the convention may be considered only with the consent of a two-thirds majority vote of the convention.

#### 4.8 **(a) Convention Planning Committee**

This Committee shall consist of the Planning and Priority Committee and two (2) VP's appointed by the CUPE NB Executive Board at the Executive board meeting in September of each year.

This committee shall assist in the selection of the theme of convention, the selection and obtaining of guest speakers. The committee will be requested to assist with the functions of the convention.

#### **(b) Convention Events Committee**

The CUPE NB Executive Board shall appoint 3 VP's to the Convention Events Committee at the Executive board meeting in September of each year. This committee shall be tasked with planning and preparing for the social events during convention. This committee may be given other tasks as assigned by the Convention Planning Committee or by the President.

#### **(c) Convention Committees**

The CUPE NB Executive Board shall appoint from the registered delegates the following Convention committees, namely:

- Credentials Committee: 4 members and a chairperson.
- Resolutions Committee: 4 members and a chairperson.
- Constitution & Laws Committee: 4 members and a chairperson

Each of these committees shall have the appointed chairperson as well as a Staff Advisor.

All committees shall be established as early as possible prior to the opening of the convention, and if it is necessary during the convention to make revisions to the committees or if additional committees are required, the President shall have the ability to appoint.

#### 4.9 **Convention Business**

- Land Acknowledgement
- Credentials Committee Report (Interim)
- President's Report
- Secretary-Treasurer's Report
- Trustees' Report
- Reports of Standing Committees
- Reports of Convention Committees
- Final Report of Credentials Committee
- Nominations and Elections
- Good of the Union suggestions
- Adjournment

#### 4.10 **Rules of Order**

Rules of Order shall be in accordance with Appendix "B" "C" 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 **Motions Regarding CUPE NB Donations at Convention**

Motions made at convention regarding donations on behalf of the CUPE NB Division shall be voted on but not have a monetary amount attached. If the motion is passed the CUPE NB Executive Board shall then determine the monetary amount of donation based on the finances of the Division which shall not exceed the amount collected from the floor. In order to give proper financial considerations this shall be done at the next Executive Board meeting following convention, or before if deemed necessary.

#### 4.12 **Incumbent Officers to Convention**

The following officers 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 they are members in good standing of an affiliated local union.

- The President,
- Secretary-Treasurer,
- 1<sup>st</sup> Vice-president and Vice-Presidents at large of CUPE New Brunswick,
- 2<sup>nd</sup> Vice President with approval

The incumbent officers as spelled out in Article 5.3, 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. 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.



4.14 **Observers to Convention**

- (a) Observer status – Observers are representatives of Locals of CUPE in New Brunswick attending the CUPE NB Convention.
- (b) Affiliated Locals of CUPE NB, after having sent their allowable number of voting delegates, may send an equal number of observer delegates to the Convention.
- (c) Observers shall be obligated to pay the registration fee to gain access to the Convention floor. Observers must register and have paid registration fee twenty-one (21) days prior to the commencement of Convention.
- (d) At the CUPE NB Executive discretion, non-affiliated Locals of CUPE NB shall be allowed to send no more than two (2) observers to the Convention for the purpose of consideration of new affiliation. Non-affiliated Locals observers must register and have paid non-affiliate registration fee twenty-one (21) days prior to the commencement of Convention.
- (e) There will be a set number of observer seats at convention based on venue size. Observer status will be granted in order of receipt of registration form and fee. Preference will be given to affiliate Locals.
- (f) Observers shall not have voice or vote at the Convention; but the Chair shall have the right to call upon any Observer to speak on any matter upon which the Chair may feel it appropriate.

**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 Board 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 as First Vice-President for a two-year term, in even numbered years by the delegates at the CUPE NB Annual Convention. If the first Vice-President should lose their seat as an executive member, then the First Vice-President position will become vacant and the executive board will elect someone from the executive to fill the position until the next convention.
- 5.3 The Vice-Presidents shall be the president, 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 – Alcool New Brunswick Liquor Corporation
  - b. Local 1190 – General Labour and Trades
  - c. Local 1251 – Institutional Services and Care
  - d. Local 1252 – New Brunswick Council of Hospital Unions
  - e. Local 1253 – New Brunswick Council of School District Unions
  - f. Local 1418 – Rehabilitation and Therapy & Recreation and Culture Program Officers
  - g. Local 1840 – Court Stenographers
  - h. Local 1866 – WorkSafe NB

- i. Local 2745 – Educational Support Staff
- j. New Brunswick Council of Nursing Home Unions
- k. New Brunswick Committee of Municipal Workers
- l. Local 5017 – New Brunswick Community College
- m. Local 5026 – Collège communautaire du Nouveau-Brunswick
- n. New Brunswick Community Service Unions (NBCSU)

In the event that any provincial group does not name a Vice-President to sit on the Executive Board 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 for a two-year term by and among the delegates of the affiliated locals not covered in 5.3, one of whom shall be bilingual.
- 5.5 Any new provincial council, council of unions or provincial occupational groups which may be established or chartered between conventions, the CUPE NB Executive Board shall determine their participation on the Executive Board and this Constitution shall be amended accordingly at the next convention as necessary.
- 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, their designate shall perform the duties and functions of the Vice-President during the President's or Secretary-Treasurer's term of office.
- 5.7 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 Board of CUPE New Brunswick shall appoint a replacement to serve until the next convention.
- 5.8 Trustees of CUPE NB are not permitted to sit on the Provincial Executive Board representing locals listed at Article 5.3.

#### **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 they are an accredited delegate and a member in good standing of their local union, and said person, if elected shall retain office only so long as their local union, or affiliated body remains an affiliate of CUPE New Brunswick.
- 6.3 The Election Committee shall be established as per Appendix “D – Election Guidelines”
- 6.4 Elections shall be conducted by secret ballot – one delegate, one vote, with a simple majority of votes cast.

- 6.5 Immediately following the close of voting. The Election Committee shall proceed to count the ballots. Upon completion, they shall notify the Chairperson, and their report shall be made immediately.
- 6.6 The election of each office shall be completed before nomination may be accepted for any subsequent office.
- 6.7 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:

**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."

- 6.8 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 over all matters relating to CUPE New Brunswick. 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 their interpretation shall be final and in full force and effect unless reversed or changed by the Executive Board or by appeal to the Convention, or by appeal to the President of the Canadian Union of Public Employees.
- (d) The President or the 1st Vice-President shall sign all cheques, bank drafts and other official documents relevant to the operation of CUPE New Brunswick. The President and the 1st Vice-President shall be bonded for a proper amount, and by a reliable bonding company as approved by CUPE National.
- (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 honorarium.
- (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 the 1st Vice-President.

- (g) The President of CUPE New Brunswick shall automatically be the nominee, along with the Regional Director to the Executive Council of the New Brunswick Federation of Labour.
- (h) In order to fulfill their duties, the President shall be allowed a full-time leave of absence from their employer and such leave shall be reported quarterly to the Executive Board. When on full-time leave, the President's schedule will be committed to working solely on behalf of the CUPE New Brunswick Division.
- (i) The position of president shall be remunerated at that of the highest paid CUPE New Brunswick member classification in CUPE New Brunswick including all benefits for their term. In the event the President goes out on sick leave they will continue to receive all current wages and benefits as reflected in their own collective agreement, along with the top up of wages.

**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) Collect the minutes and reports from all CUPE NB Committees.
- (e) The Secretary-Treasurer shall be empowered, with approval of the President and the Executive Committee, to employ clerical or other assistance as they may deem necessary.
- (f) On the approval of the CUPE New Brunswick Executive Board, 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 Board 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, they shall receive one hundred dollars (\$100.00) per month to be paid out quarterly as an honorarium.
  - (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 their duties, the Secretary-Treasurer shall be allowed four (4) days off work. Any additional time off must be approved by the President of CUPE New Brunswick. Any week where more than four (4) 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) They shall make all disbursements authorized by the Executive by cheques countersigned by the President or by the 1<sup>st</sup> Vice-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 with the exception of routine expenses, 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 the books of all accounts of CUPE New Brunswick at the end of each fiscal year (December 31st) 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. They 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 January 1 to December 31.
- (m) They shall turn over all books and records relative to receipts and expenditures to the Trustees for audit at the end of June and December 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 provided to all provincial councils.

- (o) They shall be bonded for a proper amount.
- (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.
- (r) In the event the Secretary-Treasurer resigns or is unable to continue to hold office, **this** position shall be filled by election from within the members of the Executive Board. Should it not be feasible to select such an officer from within the ranks of the Executive Board members, the Board shall be free to select an officer from outside its own ranks. The position shall be filled by election at the next CUPE New Brunswick convention.

### 7.3 **Executive Officers**

Executive Board Members as listed at Article 5.3 shall fulfill all duties required, or referred to them by the Convention, the Executive Committee, or the President.

### 7.4 **1st Vice-President**

The 1<sup>st</sup> Vice President shall be elected from the Executive board Vice-Presidents by the delegates at the CUPE NB Annual Convention for a two-year term in even numbered years.

- (a) The 1<sup>st</sup> Vice President shall perform the duties of the President in the absence of that officer.
- (b) The duties of the 1st Vice-President shall be to sit on the Planning and Priorities Committee, chair meetings when the President is not available.
- (c) The 1st Vice President shall receive the remuneration equal to the President if they are required to assume the duties of the President in the case of absences longer than five (5) weeks with the exception of scheduled vacations. In the event that the first Vice President assumes the duty of President, they will continue to receive their existing benefits as per their collective agreement. As well commencing in the sixth (6<sup>th</sup>) week, they will receive the top up of wages as reflected in the constitution and By-laws of CUPE NB.

### 7.5 **2<sup>nd</sup> Vice President**

Additional tasks and functions of the 2<sup>nd</sup> Vice president shall be determined by the Executive Committee as necessary.

The 2<sup>nd</sup> Vice President shall be elected ~~from the Executive board Vice-Presidents~~ **by the delegates** at the CUPE NB Annual Convention for a one-year term as the linguistic requirements necessitate. If the CUPE NB president and the 1st vice president are unilingual in the same language, the executive will elect a bilingual member from the CUPE NB executive board to be the contact person or the one who will represent the official language not represented.

The duties of the 2nd Vice-President shall be to sit on the Planning and Priorities Committee.

## 7.6 **Trustees**

- (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 twice 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.

## 7.7 **Maritimes Regional Director**

- (a) They shall be invited to be an ex-officio member of the Executive Committee and Board of CUPE New Brunswick.
- (b) They 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 National 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 departments.
  - (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.
- (9) Along with the President, be the representative of CUPE on the Executive Council of the New Brunswick Federation of Labour.

#### **ARTICLE 8 – EXECUTIVE BOARD**

- 8.1 The Executive Board shall conduct all business referred to it by the convention and shall, in the interval between conventions, have full and complete charge of all business of CUPE New Brunswick not otherwise provided for.
- 8.2 The Executive Board shall meet quarterly. The exact location is 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 Board shall constitute a quorum and official action may be taken by those present.

#### **ARTICLE 9 – COMMITTEES**

9.1 **Standing Committees**

CUPE New Brunswick shall have the following Standing Committees. While various committees have been designated as standing committees, this in no way precludes the possibility of other committees being established from time to time as may be required. CUPE NB members shall only sit on one standing committee at a time. Members of the Executive Board shall not be eligible to run for any of the standing committees. In addition to a Vice-President and a staff advisor as appointed in Section 9.13 (d), the standing committee shall be composed as follows:

Members accepting an appointment to a National Committee in which there is an applicable CUPE NB committee shall be permitted to remain on the CUPE NB committee until the next CUPE NB convention.

9.2 **Education Committee** shall be composed of:

- The New Brunswick representative on the National Literacy Committee.
- The New Brunswick representative on the National Post – Secondary Education Task Force
- The New Brunswick representative on the National Library Workers' Committee
- Two (2) members elected from among the delegates at the convention.

The Education Committee may:

- (a) Make recommendations regarding the education needs of CUPE members in New Brunswick to the Executive Board of CUPE New Brunswick.
- (b) Select the six (6) recipients for the annual CUPE New Brunswick bursaries.
  - (i) In honour of Brother M.A. (Tex) Hughes two (2) bursaries in the amount of five hundred dollars (\$500.00).
  - (ii) In honour of Brother George Evans two (2) bursaries in the amount of five hundred dollars (\$500.00).
  - (iii) In honour of Brother Thomas Owens two (2) bursaries in the amount of five hundred dollars (\$500.00).
- (c) 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 (\$1000.00). \*\*



- (d) **Assistance for Small Locals for Education**  
**\*\* Constitutional Resolution C-10 was passed at Convention 2019 but guidelines not yet set in place by CUPE NB Executive Board with the assistance of Education Committee.**

- 9.3 **Contracting out and Privatization Committee** shall be composed of:
- The New Brunswick representative on the National Contracting out and Privatization Committee.
  - Two (2) members elected from among the delegates at the convention.
  - The New Brunswick representative on the National Transportation committee.

The Contracting-out and privatization committee may:

- (a) Make recommendations regarding education for the membership on all aspects of contracting-out and privatization.
- (b) Make recommendations to the Executive of CUPE NB regarding fight back campaigns against contracting-out.

- 9.4 **Human Rights Committee** shall be composed of:
- The New Brunswick representative on the National Young Workers Committee.
  - The New Brunswick representative on the National Workers with Disabilities Committee.
  - The New Brunswick representative on the National Pink Triangle Committee.
  - The New Brunswick representative on the National Aboriginal Council.
  - The New Brunswick representative on the National Committee on Racism, Discrimination and Employment Equity (Rainbow).
  - Two (2) delegates elected from among the delegates at the convention.

The Human Rights Committee may:

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.

- 9.5 **Health and Safety Committee** shall be composed of:
- The New Brunswick representative on the National Health and Safety Committee.
  - Two (2) delegates elected from among the delegates at the convention.

The Health and Safety Committee may:

- (a) Promote and encourage active Health and Safety Committees.
- (b) The Health and Safety Committee shall:
  - Receive nominations from the locals through the convention call that is returned to the Secretary-Treasurer of CUPE NB who will forward all nominations to the committee.
  - Determine the recipient of the Health and Safety Award that is awarded at the convention

- 9.6 **Environment Committee** shall be composed of:
- The New Brunswick representative on the National Environment Committee.
  - Two (2) delegates elected from among the delegates at the convention.

The Environment Committee may:

- Make recommendations regarding building awareness of how our members' work can affect the environment.

- 9.7 **Pensions Committee** shall be composed of:
- The New Brunswick representative on the National Advisory Committee on Pensions.
  - Two (2) delegates elected from among the delegates at the convention.

The Pensions Committee may:

- Gather and disperse information on pension.

- 9.8 **Women's Committee** shall be composed of:
- The New Brunswick representative on the National Women's Committee.
  - The National Child Care Working Group representative from New Brunswick.
  - Two (2) delegates elected from among the delegates at the convention.

The Women's Committee may make recommendations to the Executive of CUPE NB regarding ways to:

- (a) Build women's power and make sure CUPE women's voices are heard in our locals and at the bargaining tables
- (b) Raise awareness and build support for the fight for equality.
- (c) Develop women leaders and activists to work with our brothers and support the union in all its struggles.
- (d) The Woman's Committee shall:
  - Receive nominations from the locals through the convention call that is returned to the Secretary-Treasurer of CUPE NB who will forward all nomination s to the committee.
  - Determine the recipient of the Women in Leadership Award that is awarded at the convention

- 9.9 **Global Justice** shall be composed of:
- The New Brunswick representative on the National Global Justice Committee.
  - Two (2) delegates elected from among the delegates at the convention.

The Global Justice Committee may:

- (a) Provide advice and recommendations on global justice issues, and bring forth resolutions as set by National Convention policy to the CUPE NB Executive Board.
- (b) Promote activism against corporate globalization and to achieve democracy, international peace and security.

9.10 **Political Action Committee** shall be composed of:

- The New Brunswick representative on the Political Action Committee.
- Two (2) delegates elected from among the delegates at the convention.

The Political Action Committee may:

- (a) Recommend ways to build CUPE's political action capacity in every local.
- (b) Act as a catalyst to motivate stronger political action initiatives throughout CUPE in New Brunswick.

9.11 **The Planning and Priority Committee** shall be composed of:

- The President, First Vice-President , **The 2nd Vice-President** and Secretary-Treasurer.
- The Regional Director and staff assigned by them shall act as advisors to the Committee.

The Planning and Priority Committee may:

- (a) Consider campaigns, budgets and proposals and make recommendations to the Executive Board on them, and
- (b) Perform other duties as assigned by the Executive Board.

9.12 **CUPE Atlantic Maritimes Indigenous Council (CAMIC)** shall be composed of:

- 2 members from CUPE New Brunswick with gender parity who identify as First Nations, Metis or Inuit.

The CUPE Atlantic Maritimes Indigenous Council (CAMIC) will:

- (a) meet face to face once per year and by other means (teleconference, etc...) at least 3 times per year.
- (b) provide advice to the Executive Boards of CUPE New Brunswick on issues related to Indigenous communities, and racism and employment equity as they affect Indigenous workers.
- (c) promote and defend the rights of all Indigenous peoples.
- (d) work to improve the working conditions of Indigenous people.

9.13 **Structure of Standing Committees**

- (a) The Executive of CUPE NB may appoint such other ad-hoc committees for a specific purpose and time as may be necessary.
- (b) All committees of CUPE New Brunswick shall be subject to the guidelines stipulated in Appendix "E" – Guidelines for Committees.
- (c) Each committee shall elect a chairperson and a recording secretary from the elected members as per the guidelines in Appendix E (b) – Meetings.
- (d) The President shall appoint one of the Vice-Presidents for the purposes of Appendix E, and the Regional Director shall appoint a Staff Advisor to each committee.
- (e) The term of office for each delegate elected to a committee shall be two years. The President of CUPE NB may appoint Committee members in the event a vacancy occurs between Annual Conventions.
- (f) When electing Committee members, the rule of plurality shall apply.
- (g) In the event a committee member is appointed to a CUPE National committee, the remaining term will be filled at the next convention

**9.14 CUPE National Committees/Working Groups/Task Forces**

Following the CUPE National Convention, the National President's Office will appoint members to the national committees, working groups and task force. In order to keep the CUPE NB Division informed of the work of the committee, the appointees shall submit a written report of each national committee, working group or task force meeting to the Secretary-Treasurer of CUPE New Brunswick within thirty (30) days of such meeting.

In the event of a vacancy on a national committee and where no alternate exists, at the request of the National President's Office, the CUPE NB Executive Board shall submit names of members for consideration to fill such vacancies.

**ARTICLE 10 – REVENUES AND EXPENSES**

- 10.1 (a) The revenue of CUPE New Brunswick shall be derived from every local or provincial union through a per capita tax. Effective July 1, 2023, the per capita shall be one dollar and fifty cents (\$1.50) per member per month, of which one dollar and twenty-five cents (\$1.25) will be placed in the General Fund and twenty-five cents (\$0.25) in the Defense Fund. The Defense Fund shall be governed by the regulations established by the CUPE New Brunswick Executive Board in compliance with the CUPE New Brunswick convention decisions.

Effective July 1, 2024, the per capita shall be one dollar and sixty cents (\$1.60)  
Effective July 1, 2025, the per capita shall be one dollar and seventy cents (\$1.70)  
Effective July 1, 2026, the per capita shall be one dollar and eighty cents (\$1.80)  
Effective July 1, 2027, the per capita shall be one dollar and ninety cents (\$1.90)  
Effective July 1, 2028, the per capita shall be two dollars (2.00)

The Defense Fund shall be governed by the regulations established by the CUPE New Brunswick Executive Board in compliance with the CUPE New Brunswick convention decisions.

- (b) If the Defense Fund falls below \$500,000 (five hundred thousand dollars), funding to the Defense Fund will increase to fifty cents (\$0.50) until the Defense Fund reaches \$750,000 (seven hundred and fifty thousand dollars).
- (c) If at any time the balance in the Defence 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 Defence Fund balance is once again above \$200,000.00 (two hundred thousand dollars).
- 10.2 The per capita tax shall be paid on behalf of all dues paying members, including Rand Formula payees.
- 10.3 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.

- 10.4 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.
- 10.5 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, 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.
- 10.6 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.
- (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 Committee of Municipal Workers and the Trustees attending meetings on behalf of CUPE New Brunswick.
  - (b) CUPE New Brunswick shall pay the expenses incurred for attending meetings on behalf of CUPE New Brunswick by Vice-Presidents representing newly formed Councils of Unions for a period of up to one year to be reviewed annually by the Executive Committee and extensions may be granted with a majority vote.
  - (c) CUPE New Brunswick shall pay meals, mileage and motel expenses 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.
  - (d) For motel/hotel accommodations to be provided, the person must travel 75 km or more one way from their residence to attend a meeting. Weather conditions will be taken into consideration in the application of this article.
  - (e) All expenses shall be approved by the Executive Committee as per the CUPE NB Constitution.
  - (f) CUPE NB Executive Board retains the right to approve or deny expenses as it deems necessary.
- 10.7 Child Care, Dependent Care, and Elder Care
- (a) When it is practical and demand warrants CUPE New Brunswick will provide on-site child care. Where on-site child care is not provided, and in the case of dependent care, or elder care, CUPE New Brunswick will reimburse childcare expenses to a maximum of 50.00 per day for those members who are working on CUPE Division business. The Executive Board shall establish the guidelines for reimbursement in accordance with Article 4.4 c).

- (b) Any member who is on authorized CUPE New Brunswick business shall be eligible for child care, for children from fourteen (14) years and under, or a child with physical or mental disability, or dependent care, and/or elder care expenses where required. Upon proof of payment, the member will be reimbursed the daily maximum of 50.00.
  - (c) Claims will not be paid for a spouse, partner, or a family member who normally provides care without charge. Claims will not be paid for periods of time where a member would normally have paid for child care, such as during normal hours of work at their job.
- 10.8 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 11 – COMMUNICATIONS**

- 11.1 CUPE New Brunswick will communicate its policies and activities among the locals and membership on a regular basis.
- 11.2 CUPE New Brunswick will, through the Regional Director, cooperate with the Communications Representative to produce materials, both in print and electronic format, to keep the members informed.
- 11.3 CUPE New Brunswick will encourage and assist locals to maintain current address, phone and e-mail lists of their membership to promote direct communication with the members.
- 11.4 CUPE New Brunswick will maintain and promote its web site in a method to keep locals and members informed.
- 11.5 CUPE New Brunswick will encourage the use of Social Media, Town Hall Meeting Calls, and Regional Membership Meetings to better connect with all CUPE members in person and/or virtually.

#### **ARTICLE 12 – AMENDMENT TO THE CONSTITUTION**

- 12.1 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 13 – OFFICIAL DOCUMENTS**

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

## **APPENDIX “A” – CUPE NATIONAL EQUALITY STATEMENT**

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

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

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

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

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

CUPE’s policies and practices must reflect our commitment to equality. Members, staff, and elected officers must be mindful that all persons deserve dignity, equality, and respect.

## **APPENDIX “B” – 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 New Brunswick 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.

The Code of Conduct sets out standards of behaviour for participants at national convention, national conferences, schools, meetings, and all other events organized by CUPE National. It is also applicable to structures of CUPE – Locals, Provincial and Service Divisions, Provincial Unions, Councils of Unions, Provincial Councils of Unions, and Provincial Sectoral Groups. 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. 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.

All 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. At national convention, national conferences, schools, meetings, and all other events organized by CUPE National, a complaint shall be brought to the attention of an ombudsperson.
3. At a meeting, event, or activity held by a structure of CUPE, should an ombudsperson be available, the same process would be used. Should an ombudsperson not be available, a person properly appointed and designated to be in charge shall receive the complaint.
4. If the complaint involves a 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 part of CUPE, the person responsible for their employment will be the one to whom a complaint is referred and the relevant collective agreement, should it exist, would be applicable.
5. Once a complaint is received where an ombudsperson is being used, the ombudsperson will work to seek a resolution.
6. If this fails to resolve the matter, the ombudsperson shall report the matter to the person in charge, who shall determine whether there is need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses.
7. At CUPE National events where an ombudsperson is not available, a person properly appointed and designated to be in charge shall receive the complaint. Depending on the nature of the problem, the person in charge may attempt to resolve it through conflict resolution. If this fails to resolve the matter, the person in charge shall determine whether there is a need to remove the member. The person in charge has the authority to expel members from the event for serious or persistent offenses. The same process is to be used for other parts of CUPE where an ombudsperson is not available.
8. For National events, if the person in charge is a party to the complaint, the director or designate shall assume that role. For all other parts of CUPE, an alternate will be designated to assume the role.
9. In a case where a member has been expelled from an event, the National President shall receive a report on the matter. For all other structures of CUPE, the presiding officer shall receive a report on the matter.
10. 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. A similar process may be applicable to the other parts of CUPE, done in consultation with the National President.

This Code of Conduct is designed to create a safe, respectful and supportive environment within all parts of 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.

All chartered organizations are subject to this Code of Conduct, to apply to conventions, conferences, schools, and meetings which they organize.

## **APPENDIX "C" – RULES OF 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. A member, while speaking, will speak only to the issue under debate. Members shall not personally attack other members. Members will refrain from using language that is offensive or in poor taste. Members will generally not speak in a manner that reflects poorly on the Local Union or other members.
3. No question of religious character shall be discussed.
4. When a delegate wishes to speak, they shall proceed to one of the microphones provided for that purpose. When recognized by the Chairperson they shall give their name and the organization they represent and shall confine their remarks to the question at issue.
5. Speeches shall be limited to five minutes except in moving a motion when the delegate shall be allowed ten minutes.
6. A delegate shall not speak more than once.
7. A delegate shall not interrupt another except it be to call to a point of order.
8. If a delegate be called to order, they shall, at the request of the Chairperson, take their seat until the question of order has been decided.
9. Should a delegate persist in unparliamentary conduct, the Chairperson will be compelled to name them and submit their 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.
10. 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.
11. 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.
12. 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 their decision.
13. The Chairperson will not take part in any debate. Where the Chairperson wishes to speak on a resolution or motion, or where the Chairperson wishes to move a motion, the Chairperson must rise from the chair and hand the chair over as outlined in Rule #1.

14. The Chairperson shall have the same rights as other delegates to vote on any questions. In case of a tie vote, they shall cast the deciding vote.
15. A motion must be moved and seconded. The mover and seconder must rise and be recognized by the Chairperson.
16. A motion to amend a motion, or a motion to amend an amendment are allowed, however a motion to amend an amendment to an amendment is not allowed.
17. An amendment to a motion or an amendment to an amendment to a motion that is a direct negative to the main motion is never permitted.
18. At the request of a member, and upon a majority vote, a motion which contains more than one action or issue can be divided.
19. The mover of a motion can withdraw the motion upon the consent of the seconder prior to the end of debate. Once debate has ended on a motion, the motion can only be withdrawn upon unanimous vote of the members present.
20. 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.
21. 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.
22. A vote on a resolution shall be on the merits or action proposed in the resolution; motion of concurrence or non-concurrence shall not be in order.
23. A delegate shall not move a motion to refer back after they have spoken on the question at issue.
24. A motion to refer back is not debatable and when properly seconded the question shall be immediately put on the convention.
25. 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.
26. 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.
27. 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.

28. The Executive Committee is empowered to establish the hours of convention.
29. Members are allowed to leave a meeting; however, in no case will a member leave during the reading of minutes, the initiation of new members, the installation of Officers, or the taking of a vote.
30. The Local Union's business and the proceedings of meetings are not to be divulged to any persons outside the Local Union, or the Canadian Union of Public Employees.

## **APPENDIX "D" – ELECTION GUIDELINES**

This Policy only pertains to the elected positions of CUPE NB President, 1st Vice-president, 2nd Vice-president and Secretary-treasurer.

### **Chief Electoral Officer:**

- The Chief Electoral Officer for all elections at convention shall be appointed by the CUPE New Brunswick Executive. They will be responsible for overseeing the elections, including the balloting, the election forum and other matters pertaining to all elections. They have the power to appoint staff to assist and support this work.
- The Chief Electoral Officer or designate shall report to convention and provide a complete report on all candidate elections.
- The Chief Electoral Officer or designate is charged in dealing with complaints of campaign irregularities and shall report such to the CUPE New Brunswick Executive Board.

### **Candidates for any positions are restricted to the following:**

- Candidates may have one brochure or tri-fold pamphlet (size 8 1/2" x 11") but may only distribute on the second, third, fourth and fifth days of convention.
- Distribution of one button only at convention.
- Candidates may have a website and use social media platforms for their campaign.

### **Campaign Restrictions:**

- All CUPE National staff and non-dues paying members are refrained from involvement in campaigns.
- No hospitality suites are permitted for the purpose of campaigning.
- Active campaigning may only take place outside the convention hall.
- Handouts of campaign material shall not happen in any sector meetings held at the convention location.
- All campaign materials including literature and buttons must be approved prior to distribution by the CUPE New Brunswick Elections Committee.
- CUPE New Brunswick Executive Board members will not wear candidate buttons at convention.

### **Convention Forum:**

- Each candidate may address the convention forum, the fourth day of convention upon adjournment.
- Speeches are limited to five minutes per candidate.
- There shall be a questions and answers session for candidates.
- Rules will be set by the Chief Electoral Officer or designate.

### **CUPE New Brunswick Elections Committee:**

- There shall be three committee members appointed by the CUPE New Brunswick Executive; two shall be the CUPE New Brunswick VP's not up for election and the third member shall be an attending delegate. This appointment will be made three (3) months prior to convention.
- They will be responsible for all inquiry related to elections.
- They will approve all campaign material prior to distribution on the convention floor.
- They will be provided with a copy of all CUPE New Brunswick policies related to convention elections.

- They will work in partnership with the Chief Electoral Officer as necessary.
- They will meet and develop two (2) key questions for the candidates.
- A box will be available in convention room for the delegates of convention to participate by submitting a question of which two (2) questions will be drawn from the box to ask the candidates.

## **APPENDIX "E" – 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) Each committee shall elect a chairperson and recording secretary at the first committee meeting after convention amongst the elected members of the committee.
- (c) They shall be responsible to call meetings in consultation with the chairperson and staff advisor of the committee.
- (d) They shall have voice but no vote on all matters discussed by the Committee.
- (e) They 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.
- (f) They 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.
- (g) They 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. All committees are entitled to meet up to twice per year. Committees may make applications to the Executive Board for special funding in the event of unexpected expenditures due to unforeseen events. These applications must be in writing and must include expected costs and all rationale for attendance.
- (b) If possible, an agenda must be prepared, by the chairperson in consultation with the members of the committee, for each meeting and distributed in advance to all committee members. Committees are encouraged to use e-mail, Skype and phone whenever possible to conduct business of the committee.
- (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 according to Article 10.6 of these bylaws.
- (b) No committee member will be required to share their room unless mutually agreed or no other arrangement can be made.



## **APPENDIX "F" – DEFENSE FUND REGULATIONS**

### **1. PURPOSE**

The purpose of the Defence Fund is to provide supplementary financial assistance to a Local Union and its membership when faced with a strike or lockout. The Defence Fund is related to, and intended to supplement, the National Strike Fund and its regulations. Only those members of a Local Union who are actively participating in a strike or lockout are eligible for CUPE NB Defence Fund payments.

The Defence Fund may also be used to promote and defend CUPE NB, our Local Unions, and the work of our members, at the discretion of Convention and/or the CUPE NB Executive Board.

### **2. APPLICATION FOR BENEFITS:**

- (a) In order to be entitled to benefits from the CUPE New Brunswick Defence Fund, a Local must have been affiliated to CUPE New Brunswick for at least twelve (12) consecutive months prior to the strike.
- (b) Proper notice must be given to all members when a strike vote will be taken. The vote must be by secret ballot in accordance with the applicable Labour legislation. The decision to strike must be approved by the majority of members voting in the bargaining unit.
- (c) Checklist
  - Up to date trustee audit
  - Dues check off for the previous 3 periods
  - CUPE NB percapita forms for the last 6 months
  - Up-to-date membership contact list
  - Contact list of all executive members.
  - Designation list
- (d) All forms must be fully completed and received well in advance to be eligible for assistance. Timelines may be adjusted in the event of a lock-out

### **3. ELIGIBILITY FOR BENEFITS:**

- (a) To be eligible for strike benefits, the member 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.

### **4. NON-ELIGIBILITY FOR BENEFITS:**

- (a) A member 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.

5. **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 ~~\$50.00~~ **\$60.00**, to a maximum of ~~\$200.00~~ **\$240.00** for the first four (4) days.
- (c) Notwithstanding, CUPE NB will only approve strike pay up to the maximum number of members declared by the local on their per capita forms for the period listed at 2 (c).
- (d) In case of a general strike (illegal strike), no daily benefits shall be payable.

6. **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.

7. **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 Board.

## **APPENDIX “G” – POLICY FOR CUPE NB SCOTIABANK VISA**

- The payments for expenditures will automatically be debited by the Scotia Bank monthly from the CUPE NB ScotiaBank General Account for the full amount charged on the VISA. Note the credit limit is \$20,000.00
- The (2) two holders and signers of the card will be the Secretary Treasurer and the President.
- At no time will the President or Secretary Treasurer utilize the VISA for personal purchases. No tolerance.
- The cards primary use will be for buying social media advertising and major campaign expenditures that only credit card payment is accepted or any other expenditure related to CUPE NB business.
- The card will not be carried regularly on the body of the person but likewise filed in a secure location.
- All charges to the card will be accompanied by a receipt and/or invoice.
- Before charging an expenditure on the VISA the (2) two card holders will communicate with each other advising of the expenditure.

**Policy approved by the CUPE NB Executive Board – December 8, 2016 Board Meeting**