BURNABY CIVIC EMPLOYEES’ UNION
CUPE LOCAL #23

CONSTITUTION
AND
BY-LAWS
(as amended to 2012 September)

Chartered by:
CANADIAN UNION OF PUBLIC EMPLOYEES 1963

Affiliated with:
CANADIAN UNION OF PUBLIC EMPLOYEES
BURNABY CIVIC EMPLOYEES’ UNION
CUPE LOCAL  #23

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PREAMBLE

We, the Civic Employees of the City of Burnaby, the public service bodies within Burnaby and Affiliates believing in the principles and appreciating the benefits to be derived through unity, do hereby adopt and declare the following Constitution, By-Laws and Rules of Order for the government of this Local.

Where either gender is applied in this constitution, the other is also applicable.
## INDEX

<table>
<thead>
<tr>
<th>Article</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preamble</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Index</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Article 1:</td>
<td>Name, Seal and Status</td>
<td>3</td>
</tr>
<tr>
<td>Article 2:</td>
<td>Objectives</td>
<td>3</td>
</tr>
<tr>
<td>Article 3:</td>
<td>Jurisdiction and Structure</td>
<td>3 - 4</td>
</tr>
<tr>
<td>Article 4:</td>
<td>Membership</td>
<td>4 - 6</td>
</tr>
<tr>
<td>Article 5:</td>
<td>Officers</td>
<td>6 - 8</td>
</tr>
<tr>
<td>Article 6:</td>
<td>Duties of Officers</td>
<td>8 - 13</td>
</tr>
<tr>
<td>Article 7:</td>
<td>Nominations and Elections of Officers</td>
<td>13 - 16</td>
</tr>
<tr>
<td>Article 8:</td>
<td>Meetings</td>
<td>16 - 18</td>
</tr>
<tr>
<td>Article 9:</td>
<td>Shop Stewards</td>
<td>19</td>
</tr>
<tr>
<td>Article 10:</td>
<td>General Provisions</td>
<td>20 - 21</td>
</tr>
<tr>
<td>Article 11:</td>
<td>Trials</td>
<td>21 - 27</td>
</tr>
<tr>
<td>Article 12:</td>
<td>Obligation</td>
<td>28</td>
</tr>
<tr>
<td>Article 13:</td>
<td>Installation of Officers</td>
<td>29</td>
</tr>
<tr>
<td>Article 14:</td>
<td>Amendments to the Constitution and By-Laws</td>
<td>29 - 31</td>
</tr>
<tr>
<td>By-Laws Article A:</td>
<td>Committees and Delegates</td>
<td>31 - 33</td>
</tr>
<tr>
<td>Article B:</td>
<td>Death and Retirement Benefits</td>
<td>33</td>
</tr>
<tr>
<td>Article C:</td>
<td>Rules of Order</td>
<td>33 - 38</td>
</tr>
<tr>
<td>Article D:</td>
<td>Reimbursements: Out of Pocket Expenses</td>
<td>38</td>
</tr>
<tr>
<td>Article E:</td>
<td>Balloting Procedures</td>
<td>39 - 40</td>
</tr>
<tr>
<td>Article F:</td>
<td>Order of Business</td>
<td>40</td>
</tr>
<tr>
<td>Article G:</td>
<td>Approval and Effect</td>
<td>40</td>
</tr>
<tr>
<td>History and Highlights of local</td>
<td>41 - 43</td>
<td></td>
</tr>
</tbody>
</table>

( 2 )
ARTICLE 1
Burnaby Civic Employees’ Union
CUPE Local 23

Section 1:
The name of this organization shall be “The Burnaby Civic Employees’ Union, CUPE Local 23”.

Section 2:
The official seal of this Local shall be affixed to all official documents of this Local, upon authority of the Executive Board, and the Secretary shall be the custodian of the official seal.

Section 3:
This Local Union is chartered by the Canadian Union of Public Employees and is affiliated to the Canadian Union of Public Employees, British Columbia Division; the Canadian Union of Public Employees Metro Vancouver District Council; the Canadian Labor Congress; the British Columbia Federation of Labor; the New Westminster and District Labor Council.

ARTICLE 2
(Objectives)

Section 1:
This Local Union shall organize all workers within its jurisdiction, obtain and maintain continuous employment for its members, protect the integrity of the bargaining unit and endeavor to obtain and maintain just and reasonable working conditions and wages for all its members.

ARTICLE 3
(Local Jurisdiction and Structure)

Section 1:
The jurisdiction of this Local Union shall include all of those
workers employed by the City of Burnaby and the Burnaby Public Library who fall within the bargaining unit.

Section 2:
Within the general structure of this Local Union, there shall be, for the purpose of harmony, discussion and administration, four Divisions; the Outside Division, the Inside Division, the Foremen’s Division and the Library Division. Each Division’s membership shall consist of all those employees who work under the certification of that Division.

Section 3:
These Divisions are formed to promote the business and affairs of this Local Union as a whole, and not to divide the members.

Section 4:
The Outside Division, known as the parent body by virtue of the Local Union’s history, charter and certification, is considered the senior group within the Local Union.

ARTICLE 4
(Membership)

Section 1:
Every person employed within the jurisdiction of this Local Union may apply for membership provided that this person is employed by the City of Burnaby or the Burnaby Public Library at the time of their application.

Section 2:
Applications for membership shall be made on a form provided by the Treasurer and must be accompanied by an initiation fee.
Section 3:
As required in the National Constitution, the initiation fee and readmittance fee to accompany the application for membership in good standing shall be set by the membership from time to time, but shall not be less than ten dollars.

Section 4:
An application for membership in good standing shall be accepted or rejected by vote of the membership at a General Meeting or by a vote of the membership of the concerned Division.

Section 5:
A member of the Local Union shall be considered in good standing if:

a) They have properly applied and been accepted as members,
b) They have taken the Oath of Obligation,
c) They have not engaged in activities contrary to the Oath of Obligation or contrary to the Constitution and By-Laws and policies of the National Union,
d) They are employed and paying Union dues,

Section 6:
Failure to comply with all of the requirements of Section 5 will result in the loss of a member’s good standing status. Loss of a member’s good standing may also be invoked as a consequence of the trial procedure per Article 11 of this Constitution.

Section 7:
Maintaining membership in good standing entitles members to:

a) Vote in Local Union elections,
b) Stand for elected office (provided they meet the eligibility requirements),
c) Participate in educational functions made available through CUPE or affiliated organizations,

d) Stand for election or appointment as a delegate to conventions, conferences or to represent this Local Union to affiliated organizations,

e) Eligibility for grants or financial assistance provided by the Local Union e.g. The Ethel Lau Scholarships,

f) Eligibility to receive the retirement benefit,

g) Eligibility to receive the death benefit,

h) Any other entitlement that may be determined by the membership of this Local Union.

Section 8:
No application or initiation fee shall be charged to any applicant for membership in good standing in this Local Union if the applicant provides a valid withdrawal or transfer card from and is a paid-up member of the Canadian Union of Public Employees.

Section 9:
All members in good standing in this Local Union shall be provided with a copy of the constitution and By-laws, the financial Policy Manual and a copy of the National Constitution.

ARTICLE 5
(Officers)

Section 1:
◆ The Officers of this Local Union shall be:
• President, elected for a three year term;

• First Vice-President (Chairperson of the Outside Division), elected for a one year term;

• Second Vice-President (Chairperson of the Inside Division), elected for a one year term;

• Third Vice-President (Chairperson of the Foremen’s Division), elected for a one year term;

• Fourth Vice-President (Chairperson of the Library Division), elected for a one year term;

• Vice-Chairperson of the Outside Division, elected for a one year term;

• Vice-Chairperson of the Inside Division, elected for a one year term;

• Vice-Chairperson of the Foremen’s Division, elected for a one year term;

• Vice-Chairperson of the Library Division, elected for a one year term;

• Second Vice-Chairperson of the Outside Division, elected for a one year term;

• Second Vice Chairperson of the Inside Division, elected for a one year term;

• Second Vice-Chairperson of the Foremen’s Division, elected for a one year term;
Second Vice-Chairperson of the Library Division, elected for a one year term;

Secretary, elected for a two year term, on odd numbered years;

Treasurer, elected for a two year term, on even numbered years;

Trustees, one from each Division, shall be elected for a two year term. The

Outside and Library Trustees shall be elected in even numbered years. The Inside and Foremen’s Division Trustees shall be elected in odd numbered years.

Section 2:
The Table Officers of this Local Union shall be the President, Secretary and Treasurer.

Section 3:
The Executive Board of this Local Union shall be all of the Officers listed in Section 1, with the exception of the Trustees.

ARTICLE 6
(Duties of Officers)

Section 1:
The President, Secretary and when applicable, the Divisional Chairpersons, shall be Signing Officers of the Local Union on all matters pertaining to the Local Union excepting on matters of the Treasury.
Section 2:
The Signing Officers of the Treasury shall be the Treasurer and either the President or the First Vice-President. In the absence of the Treasurer, the Executive Board may direct the President and the First Vice-President to be the Signing Officers. All Signing Officers shall be bonded in amounts deemed appropriate by the Executive Board and approved by the National Union.

Section 3:
The Signing Officers for the Treasury shall hold title to any real estate of the Local Union as trustees for the Local Union. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and obtaining approval.

Section 4:
The Office of President shall also incorporate the position of Full-Time Officer and includes this position in all references to the position of President elsewhere in this document.

Section 5:
The President shall preside at all General and Executive Board meetings of the Local Union, sign all orders on the Treasury as directed by the membership, appoint all committees not otherwise ordered and shall transact any other such business consistent with the authorities of office as may be necessary for the proper functioning of the Local Union.

Section 6:
The First, Second, Third and Fourth Vice-Presidents shall preside at all meetings of the Outside, Inside, Foremen’s and Library Divisions respectively. Each shall appoint all committees not otherwise ordered and transact such other business as may of right pertain to their office and which may be necessary for the proper functioning of their Division.
Section 7:
The First Vice-President shall perform the duties of the President in the absence of that Officer and, in the case of the resignation or death of the President, shall perform the duties of the President until such vacancy is filled as provided in this Constitution. He or she shall also preside when called upon by the President and at times when the President may not be able to discharge his or her duties. In similar fashion, each of the First through fourth Vice-Presidents shall succeed and assume the duties of those in succession ahead of them.

Section 8:
In order to assure the proper functioning of this Local Union, where the President and Vice-Presidents are attending conventions or other functions, one of the Vice-Presidents shall remain to attend to the affairs of this Local Union. The President, with the approval of the Executive Board, shall determine which of the Vice-Presidents shall remain.

Section 9:
The Vice-Chairpersons shall perform the duties of the Chairperson of their Divisions in the absence of that officer and, in the case of the resignation or death of the Chairperson, shall perform the duties of that office until such vacancy is filled as provided in this Constitution.

Section 10:
The Vice-Chairpersons shall act as the Chief Shop Stewards of their Divisions. The Vice-Chairpersons shall keep the Chairpersons fully informed of all matters in which they are involved.

Section 11:
The Second Vice-Chairpersons shall perform the duties of the Vice-Chairpersons in the absence of that Officer and, in the case of the resignation or death of the Vice-Chairperson, shall perform
the duties of that office until such vacancy is filled as provided in this Constitution.

Section 12:
The Second Vice-Chairpersons shall assist the other Divisional Officers as necessary, including grievance handling and attending meetings as required. He or she shall receive from the Secretary the names of new employees in their Division and shall ensure that shop stewards inform new employees of their responsibilities for initiation and application fees.

Section 13:
The Secretary shall:

a) Keep a correct, full and impartial record of the proceedings of each meeting of the General Membership, Divisional Membership and Executive Board,

b) Receive from each committee the minutes of their meetings and make these available to the membership,

c) Be responsible for the presentation of all motions by each Division that must also be considered by any other Division,

d) Be responsible for presenting to General Membership and Divisional Membership meetings all motions arising from the Executive Board,

e) Perform such duties as the Local Union or Constitution may direct.

Section 14:
The Treasurer shall:

a) Keep all financial accounts of the Local Union,
b) Maintain correct and proper records of the membership,

c) Receive all initiation fees, dues and assessments from members and shall deposit same in the name of the Burnaby Civic Employees’ Union, CUPE Local 23, in such a bank as the Executive Board may direct,

d) Present to the membership at least as often as the April Annual General Membership Meeting or more frequently as directed by the Trustees, a complete financial statement of the Local Union’s expenditures, assets and liabilities,

e) Perform such duties as the Local Union or Constitution may direct.

Section 15:
The Trustees shall:

a) Audit the books of the Treasurer per the provisions of the Financial Policy Manual,

b) Exercise general supervision over the property of this Local Union including an annual inventory audit per the provisions of the Financial Policy Manual,

c) Examine the books and records of the Treasurer at least quarterly, and shall report to the next regular membership meetings following the end of each quarter on the condition of the funds and accounts, the number of members in good standing, the members initiated, expelled or suspended, admitted or withdrawn, together with such other information as they may deem necessary for the efficient and honest administration of this Local Union.
It is the role of the Trustees in this regard to make recommendations to the Executive Board but in all cases, at their discretion, the Trustees may make recommendations directly to the membership.

**ARTICLE 7**
*(Nominations and Elections of Officers)*

**Section 1:**
The fundamental principles of nomination and election procedures shall be:

a) One vote per member in good standing,

b) Confidentiality of votes,

c) Authenticity of votes,

d) As much as possible, equal opportunity for all members in good standing to nominate and to vote.

**Section 2:**
Only those members with one continuous year of membership in good standing with this Local Union shall be eligible to be nominated for a Table Officer or Divisional Officer position. It will be the responsibility of the Election Committee to ensure that all nominees are members in good standing.

**Section 3:**
To be a member in good standing, to be eligible, to be nominated for a Table Officer or Divisional Officer position a member must have attended a minimum of two General Membership meetings per Fiscal year.

**Section 4:**
By the first day of March each year, the Executive Board shall appoint an Election Committee of not more than six members, including
two from the Outside and Inside Division, and one each from the Foremen’s and Library Divisions.

**Section 5**

Members of the Election Committee shall not be Executive Board members nor shall they be eligible to run for Table Officer or Executive board positions.

**Section 6:**

This committee shall, as its first order of business, elect a chairperson from among its members. The chairperson shall be deemed the Returning Officer for this election. The Returning Officer shall be responsible for the proper operation of the balloting procedures and a complete count of the ballots. The Returning Officer shall be authorized by the Executive Board to carry out such steps as may be necessary to fulfill his or her responsibilities. The Election Committee shall assist the Returning Officer as required.

For the purposes of this Article, the Election Committee shall remain constituted until the end of February.

**Section 7:**

The Election Committee shall receive nominations for Table Officer and Executive Board positions and shall forward them to the membership at the March General Membership meeting, henceforth known as the Nomination Meeting, where nominations shall be made.

This does not preclude nominations from the floor at the Nomination Meeting.

Nominations shall only be made by members in good standing. Nominations for Divisional Officers and Trustees may only be made by members of that Division. A member shall only be nominated for one position.
Any member eligible for nomination who finds themselves unable to attend the Nomination Meeting shall, by signed letter, notify the Election Committee of their intention to stand for office if so nominated.

Section 8:
Elections shall be held the day prior to the Annual General Membership Meeting. Secret balloting shall take place at the Local Union Office or a location designated by the Election Committee, between the hours of eight o’clock in the morning and eight o’clock in the evening.

Section 9:
Within the general structure of this Local Union, there shall be, for the purpose of harmony, discussion, and administration, four Divisions; the Outside Division, the Inside Division, the Foremen’s Division and the Library Division.

Each Division’s membership shall consist of all those employees who work under the certification of that Division

Section 10:
When two of more nominees are to be elected to any office by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member’s ballot will be declared spoiled. To be elected, a candidate must receive a simple majority of votes cast. In the event of a tie vote for a position, a run-off vote will be held prior to the May membership meeting and the results announced at the May membership meeting.

Section 11:
The results of each election shall be announced at the Annual General Membership Meeting. At the same meeting, the newly elected Officers shall be sworn in. For the purposes of ensuring a full and orderly transfer of responsibilities, the outgoing Table Officers
shall hold their position until the end of April and shall work with the newly elected Officers to achieve that end.

Section 12:
In the event that a Division fails to elect any of its officers pursuant to the above, the President shall appoint an officer or officers from the Division concerned.

Section 13:
If for any reason a position other than the position of President, Secretary or Treasurer becomes vacant, the vacancy shall be filled for the duration of the term by an appointment of the President, with the approval of the Executive Board.

Section 14:
Should the position of President become vacant for any reason, an assumption of duties subject to Article 6, Section 6, shall apply. In the event that an assumption of duties by seniority is not practicable, the Executive Board shall appoint from the membership to temporarily fill the vacant position. An election must be held within two months to fill the vacant position.

Section 15:
Should the position of Secretary or Treasurer become vacant for any reason, the Executive Board shall appoint from the membership to temporarily fill the vacant position. Subsequent to such appointment, an election must be held within two months to fill the vacant position.

ARTICLE 8
(Meetings)

Section 1:
General membership meetings shall be held once per month except during the months of July, August and December.
Section 2:
General membership meetings shall be held on the third Wednesday of each month at a time and place designated President in consultation with the Executive Board. Where it is not possible to hold a meeting on the third Wednesday an alternate time and date will be arranged by the President in consultation with the Executive Board. In order to facilitate the requirements of Article 4, Section 5, a minimum of two General membership meetings shall take place on a Saturday at a time and place designated by the President in consultation with the Executive Board.

Section 3:
The quorum for a general membership meeting shall be twice the number of Executive Board positions plus one additional member, for a total of thirty-one.

The quorum for a Divisional meeting shall be eleven members, including the Officers of that Division, but excluding the Table Officers.

The quorum for an Executive Board meeting shall be a majority of the positions on the Board, with at least one Officer from each Division represented.

Section 4:
The President shall be responsible for calling an Annual General Membership Meeting during the month of April, at a time and place approved by the Executive Board.

An extraordinary membership meeting may be called at the discretion of the President or must be called upon receipt by the Executive Board of a petition requesting such a meeting signed by a minimum of twenty members in good standing. Any such meeting so requested shall be held as soon as reasonably possible.
Section 5:
Divisional meetings may be called at any time at the discretion of a Division’s Executive or must be called upon by receipt by the Division of a petition requesting such a meeting signed by a minimum of ten members in good standing. Any such meeting so requested shall be held as soon as reasonably possible.

Section 6:
For the purpose of ensuring order at membership meetings, a Sergeant-at-Arms Committee shall be appointed each year subsequent to the Annual General Membership Meeting. This Committee shall comprise four members, one member appointed by each Division.

Section 7:
The duties of the Sergeant-at-Arms shall be:

a) To take charge of the door and to prevent persons who are not current membership in good standing from entering a membership meeting unless requested to do so by one of the Table Officers,

b) Not to permit members to leave a membership meeting during the taking of a vote without the express permission of the Presiding Officer,

c) To be responsible for the distribution and collection of applications for membership (The collection of fees shall be the sole responsibility of the Treasurer),

d) To assist in balloting as required,

e) To act under the direction of the Presiding Officer at membership meetings as necessary to ensure orderly proceedings.
ARTICLE 9
(Shop Stewards)

Section 1:
The Vice-Chairperson of each Division is authorized to appoint one or more Shop Stewards. This does not preclude elections for Shop Steward positions at the discretion of the Division concerned.

Section 2:
The number of Shop Stewards representing any particular group shall be determined by the circumstances and problems of the members concerned.

Section 3:
It is the duty of the Shop Steward to know the Divisional Collective Agreement, Local Union Constitution, By-Laws and Rules thoroughly and to work for their enforcement. Shop Stewards shall be responsible for distributing notices approved by the Executive Board and received from the Divisional Vice-Chairperson.

Section 4:
A Shop Steward may at any time take up a grievance on behalf of another member to a supervisor, superintendent or department head. Where a grievance cannot be settled by such representation, the matter shall be referred to the Chairperson and Vice-Chairperson. In all cases, the Vice-Chairperson shall be kept informed as to all matters handled by a Shop Steward.

Section 5:
Shop Stewards shall meet as a group at least once per month, at a time and place designated by the Divisional Vice-Chairperson. The Vice-Chairperson shall preside at these meetings and report at Divisional or Local Union membership meetings on the business of the Shop Stewards.
ARTICLE 10
(General Provisions)

Section 1:
The regular Union dues for each member of this Local Union shall be 2.0% of gross salary.

Section 2:
General assessments may be levied from time to time as deemed necessary by the Local Union membership, only after a notice of motion. Such notices shall be distributed by the Executive Board to Shop Stewards who shall be responsible for posting them in their areas.

Section 3:
Should any Officer or Trustee fail to answer the roll call for three consecutive regular Executive Board, Local Union membership or Divisional meetings, at which they are expected to attend, without having good cause for his or her absence, his or her office shall be declared vacant and shall be filled in accordance with Article 7.

Section 4:
Should an Officer or Trustee take a leave of absence from his or her employment or is seconded to or employed on a temporary basis by CUPE or any other organization to which this Local Union is affiliated and his or her absence is of thirty days or longer, that Officer or Trustee is required to temporarily cede their office to their successor in accordance with Article 6. Upon his or her return, prior to the expiration of their term in office, that person will be fully re-instated to his or her office.

Section 5:
Any member, on being reproached by a Shop Steward concerning a breach of the Constitution, By-Laws of this Local Union or the Collective Agreement, or who disparages, insults or otherwise does not recognize the authority of a Shop Steward may be liable to
the discipline of the Local Union membership.

Section 6:
Any member, who violates an authorized picket line without sanction of the Executive Board or Strike Committee in charge of the strike, shall no longer be considered a member in good standing. Reinstatement to good standing is per Article 11.

Section 7:
Where a quorum is not obtained at a Local Union membership meeting, the Executive Board shall be empowered to conduct the business of the Local Union, including financial transactions (subject to the Financial Policy Manual), as may be necessary until a quorum is achieved at the next regularly scheduled meeting.

Section 8:
All rules and procedures not described in this document shall be decided in accordance with “Bourinot’s Rules of Order”. It shall be the responsibility of the Secretary to ensure that a copy of “Bourinot’s Rules of Order” is available for reference at every meeting.

ARTICLE 11
(Trials)

Section 1:
When a member fails to comply with the Constitution or By-Laws of this Local Union, the member may be either reprimanded, suspended or expelled from membership in good standing according to the judgment of the Executive Board, provided that every member of the Local Union shall be entitled to a fair and impartial hearing as prescribed in the Trial Procedures of the National Constitution of the Canadian Union of Public Employees. The hearing may be in front of the Executive Board or before a Local Union membership meeting as desired by the accused.
Section 2:
Offences against the Constitution of this Local Union shall include, but not necessarily be limited to, those enumerated in the “Trials” portion of the National Constitution.

The procedures for trials shall be as enumerated in the “Trials” portion of the National Constitution.

Section 3:
In all cases, the onus of establishing the guilt of the accused shall be upon the accuser.

Section 4:
Every member of a Local Union is guilty of an offense against the constitution who:

a) Violates any provision of this constitution,

b) Obtains membership through fraudulent means or misrepresentation,

c) Institutes, urges or advocates that a member or any Local Union should institute an action in a court of law against the Canadian Union of Public Employees or against the National Executive Board or any of its officers or against a Local Union or any of its members, in respect of any matter concerning the affairs of the Canadian Union or any of its Locals or chartered bodies without first exhausting all remedies through the forms of appeal provided in the Nation Constitution,

d) Advocates or attempts to bring about the withdrawal from the Canadian Union of Public Employees of any Locals or any members or groups of members,
e) Publishes or circulates, either verbally or otherwise, among the membership false reports or misrepresentations concerning any member in respect to any matter connected with the affairs of the Canadian Union of Public Employees,

f) Works in the interests of any organization competing with the Canadian Union of Public Employees in a matter detrimental to the Canadian Union,

g) Fraudulently receives or misappropriates any property of the Canadian Union or of any of its chartered bodies,

h) Uses, without proper authority, the name of the Canadian Union or of a Local for soliciting funds or advertising,

i) Without receiving proper authority to do so, furnishes a complete or partial list of the membership of the Canadian Union or of any Local to any person or persons other than those whose official position entitles them to have such a list,

j) Wrongfully interferes with any Officer or any accredited Representative of the Canadian Union in the discharge of his or her duties,

k) Circulates reports designed or calculated to injure or weaken the Canadian Union,

l) With a view to injuring the Canadian Union or a Local Union or with a view to impeding the implementation of any policy, constitutionally formed, of either the Canadian Union or a Local Union, does any act contrary to the Constitution or to the By-Laws of any chartered body or fails to do any act required of him or her by the said Constitution or By-Laws,
m) Any member convicted of one or more of the above offences may be reprimanded, fined, removed from office, suspended or expelled.

Section 5:

If it is alleged that a member or Officer of a Local Union has committed an offense against this Constitution, specific charges must be submitted in writing to the Recording Secretary of the Local Union, signed by the accuser who must be a member in good standing of the Canadian Union of Public Employees. Such charge shall be submitted within ninety (90) days after the alleged violation has been discovered.

The Recording Secretary shall cause the charges to be delivered to the accused, either personally or by registered mail within three weeks after they are submitted.

The charges delivered to the accused shall be signed by the Recording Secretary. The charges, together with the notice of the time and place of the trial, shall be delivered to the accused at least two weeks before the date of the trial. For the purposes of this Article, the charges and the notice shall be deemed to have been delivered when they are either personally served to the accused or when they are delivered by registered mail.

Section 6:

A panel of eleven (11) members in good standing shall be elected from the membership of the Local Union at a regularly constituted meeting. All members of the panel must permit their names to stand for possible selection to the Trial Committee.

The names of the panel members shall be placed in a ballot box and the First Vice-President shall draw the names from the ballot box, one at a time. As each name is drawn from the ballot box, the First Vice-President shall call out the name.
The accused and the accuser shall each be entitled to challenge three members as their names are drawn from the ballot box, with the accused having the right to challenge first. When five (5) names have been drawn unchallenged, these five shall constitute the Trial Committee.

The Trial Committee shall determine the guilt or innocence of the accused.

Section 7:
For the purposes of this Article, if the charges are laid against the Recording Secretary, then his or her functions shall be carried out by the President.

If the charges are laid against the First Vice-President, then his or her functions shall be carried out by the President. If the charges are against the President, First Vice-President and the Recording Secretary, then the functions to be performed by them shall be carried out by such member or members as may be appointed by the National President.

Section 8:
The Trial Committee shall proceed to hear the charges, in camera, within fourteen (14) days from the date of the meeting at which the Trial Committee was chosen. Should it be necessary, the trial may proceed with a quorum of four (4) members of the Committee.

The accused and the accuser shall each have the right to be present and shall also have the right to retain counsel of their own choosing, provided however, that person is a member in good standing of the trade union movement.

The accused and accuser shall have the right to call witnesses.

If the accused fails to appear before the Trial Committee, without giving a satisfactory explanation, the Committee may proceed to hear
evidence and render a decision in the absence of the accused or may adjourn the hearing.

If the accuser fails to appear before the Trial Committee, the Committee may dismiss the charges or adjourn the hearing.

The accuser shall present his or her evidence first and the accused shall have the right to cross examine any witnesses called by the accuser.

After the accuser has presented his or her evidence to the Trial Committee, the accused may present his or her evidence and the accuser shall have the same right of cross examination.

The Trial Committee shall find the accused guilty or not guilty by means of secret ballot and it shall be necessary to have four (4) members of the Committee cast their votes against the accused in order to find the accused guilty. If fewer than four (4) members of the Committee cast their votes against the accused, then the accused shall be deemed not guilty.

If the Trial Committee finds the accused not guilty of the charges submitted, then this decision shall be announced at the next General Membership Meeting and shall be recorded in the minutes of the meeting. This decision will be final and no appeal may be filed by the accuser.

If the Trial Committee finds the accused guilty of the charges submitted, then it shall also recommend the punishment. The decision and the punishment shall be reported to the next General Membership Meeting at which time the membership may confirm or alter the punishment recommended by the Committee.
Section 9:

The accused may appeal either against the conviction or the punishment, or both, to the National Executive Board. Such appeal shall be made within sixty (60) days from the date at which the decision of the Trial committee was reported to the Local Union membership.

The appeal shall be in writing, fully stating the grounds upon which the appeal is based. A copy of the appeal shall be sent to the Recording Secretary of the Local Union who shall immediately upon receipt of the appeal forward a copy of the original charges, the evidence and the verdict to the National President of the Canadian Union of Public Employees and to the accused, who shall now be referred to as the appellant.

The appellant and the respondent (accuser) shall have the right to appear before the National Executive Board and shall be notified, by registered mail, of the time and place when the appeal is to be heard. Notice of the appeal shall be given one month before the date set for such appeal.

The decision on the appeal shall be delivered by the National Executive Board within sixty (60) days after the hearing. Its decision shall be final and binding.

The costs and expenses involved in appearing in front of the National Executive Board shall be borne by the appellant, if found guilty, or by the Local Union if the appeal is allowed.

The decision of the National Executive Board shall be reported to the Recording Secretary of the Local Union. If the appeal has been allowed, the records of the Local Union shall be amended so as to expunge the previous conviction.
ARTICLE 12
(Obligation)

Section 1:
All applicants for membership to this Local Union shall be initiated
and take the Oath of Obligation in the following manner:

Presiding Officer: “Sergeant at Arms, retire and introduce the
applicants.” (The Sergeant at Arms then retires and escorts the
applicants into the assembly, in front of the membership.)

The Presiding Officer asks the membership to stand and witness the
initiation of the applicants.

The Installing Officer (the Presiding Officer or designate) will then
ask the applicants, “Are you willing to subscribe to an Obligation to
this Union?” Upon receiving a satisfactory answer from each of the
applicants, the Installing Officer will proceed with the Obligation,
requiring the applicants to repeat the same, word for word.

OBLIGATION:

I, ........................................, solemnly promise and declare that I will
support and obey the Constitution of this Local Union: That I will
strive to improve economic and social conditions for my fellow mem-
bers and for working people generally: That I will defend and strive to
extend the democratic rights and liberties of all working people: That
I will not purposely or knowingly wrong, or assist others in wronging,
a member of the Union.
ARTICLE 13
(Installation of Officers)

Section 1:
The newly elected officers shall take their place in front of the Presiding Officer. Installing Officer: “Fellow members, repeat after me the following obligation: “I, …………………., sincerely promise that I will truly and faithfully, and to the best of my ability, perform the duties of my Office, for the ensuing term, as prescribed in the Constitution and By-Laws of this Union, and, as an Officer of this Union, will endeavor both by my counsel and example, to promote the harmony and preserve the dignity of its session.. I further promise that at the close of my official term, I will promptly deliver any monies or property of this Union in my possession to my successor in office.”

ARTICLE 14
(Amendments to the Constitution and By-Laws)

Section 1:
All proposed amendments to the Constitution, By-Laws or Financial Policy Manual must be submitted to the Union Office by the first Wednesday of September.

Any proposed amendments not originated by the Constitution Committee or the Trustees’ Committee will be immediately forwarded to either of those committees, where applicable, for review.

The Executive Board will provide its opinion, if any, on the proposed amendment to the respective committees no later than the second Wednesday of September.

Committee recommendations must be made before the General Membership Meeting in September.
Section 2: Proposed amendments, with or without committee recommendations, will be announced at the September General Membership Meeting.

The lack of committee recommendations will not delay the announcement of proposed amendments.

Section 3: Notices of Motion on proposed amendments shall be posted for all Union members by October 1.

All Notices of Motion must be signed by two members in good standing.

Section 4: Notices of Motion will be put to vote at the October General Membership Meeting.

All amendments to the Constitution, By-Laws or the Financial Policy Manual require a two thirds majority vote of those members in attendance in order to pass.

Section 5: If quorum is not achieved at the October General Membership Meeting, the Notices of Motion shall be reposted at least two weeks before the November Membership Meeting.

If quorum is not achieved at the November General Membership Meeting, the Notices of Motion cannot be reintroduced until the following year, following the previous process in Sections One through Four of this Article.

Section 6: The President, with the approval of the Executive Board, may call for a special information meeting to discuss the proposed amendments.
Section 7:
The Secretary shall record all amendments to the Constitution, By-Laws and Financial Policy Manual that have been adopted by this Local Union in the minutes of the meeting at the time that they occur. The Secretary shall also record the amendments that are adopted between the printings of the Constitution, By-Laws and Financial Policy Manual in a book kept for this purpose.

This book shall be made available at every Executive Board, Local Union membership and Divisional meeting.

BY-LAWS

ARTICLE A
(Committees and Delegates)

Section 1:
The President shall be ex-officio to all committees of this Local Union, except the Labour Liaison Committee and the Trustees Committee.

Section 2:
The Chairpersons of Divisions shall be ex-officio to all committees of their Divisions.

Section 3
There shall be a standing committee on the Constitution and By-Laws comprised of five members, including one member appointed from each Division and an Executive Board member. It shall be the responsibility of the Committee to revise and make recommendations to the Executive Board for amendments to the Constitution and By-Laws as appropriate.

Section 4:
There shall be a Negotiating Committee formed when necessary comprising the President, the Chairpersons of each Division, and
two additional members from each Division elected by the members of each Division.

Should any individual bargaining representative not be available to serve, the vacancy shall be filled through appointment by the President in consultation with the Chairperson of the affected Division.

Section 5:
There shall be a Grievance Committee for each Division consisting of the President, the Divisional Chairperson and Vice-Chairperson.

At the discretion of the Division concerned, additional members may be added.

Section 6:
The members referred to in Article A, Section 5, shall become part of the Joint Grievance Committee for the Local Union.

Section 7:
The membership shall form new committees or add to existing committees as dictated by circumstances and sanctioned by the Executive Board.

The first order of business of any committee will be to appoint a chairperson and report this to the Executive Board.

Section 8:
It shall be the responsibility of all committees of this Local Union to keep minutes of their proceedings and forward these to the Secretary.

Section 9:
The Executive Board shall recommend from time to time, as required, their nominees for appointments as delegates to the various external affiliations, other committees or councils, and other than in exceptional circumstances where the Executive Board shall have the
authority to make temporary appointments, the membership shall amend, reject or adopt as they see fit.

Section 10:
There shall be a Labour Liaison committee composed of the Chair persons of each Division per the Financial Policy Manual. This committee shall be responsible representing the Local Union membership in bargaining for working conditions and remuneration for employees including the President and any other employees of the Local Union as applicable.

ARTICLE B
(Death and Retirement Benefits)

Section 1:
Upon the death of a member in good standing, a death benefit shall be paid to the member’s beneficiary as dictated by the member’s estate.

Section 2:
Upon the recognized retirement of a member in good standing with at least ten years of membership in the Local Union, a retirement benefit shall be paid.

Section 3:
The amounts of the death and retirement benefits shall be determined from time to time by the membership, upon recommendation of the Trustees, and shall be set out in the Financial Policy Manual.

ARTICLE C
(Rules of Order)

Section 1:
Any member addressing an Officer or other member of this Local Union shall use the term: “Brother or Sister” and no other title.
Section 2:
The Presiding Officer shall state every question coming before the Local Union or Division and before allowing debate thereon, and immediately putting it to a vote, shall ask, “Are you ready for the question?” Should no member rise to speak and the Local Union or Division indicates readiness, the question shall then be put. After the Presiding Officer has risen, no member shall be permitted to speak upon it.

Section 3:
Every member wishing to obtain the floor shall put up their hand. When the member is recognized by the Presiding Officer, the member shall then rise and state their name and their Division.

Section 4:
A motion to be entertained by the Presiding Officer must be seconded and the mover and seconder must rise and be recognized by the Presiding Officer.

Section 5:
A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, shall be in order if it is a direct negative to the original motion.

Section 6:
On motion, the regular order of business may be suspended to deal with any urgent business. Such a motion shall require a two-thirds majority of those present.

Section 7:
All resolutions and motions other than those named in Article C, Section 18, or to accept or adopt the report of a committee shall, if requested by the Presiding Officer, be presented in writing before being put to the meeting.
Section 8:
At the request of any member, and upon a majority vote of those present, a question may be divided when it makes sense to do so.

Section 9:
Any member having made a motion can withdraw it, with the consent of the seconder, but a motion once debated cannot be withdrawn except by a majority vote of those present.

Section 10:
When a member desires to speak on a question, or to offer a motion, he or she shall rise in place and respectfully address the Presiding Officer, but shall not proceed further until recognized by the Presiding Officer, except to state that they rise to a point on order or on a question of privilege.

Section 11:
When two or more members rise to speak at the same time, the Presiding Officer shall determine which of them shall have the floor.

Section 12:
Every member, while speaking, shall adhere to the question under debate, avoid all personal, indecorous or offensive language, as well as any reflection on the Local Union or any member.

Section 13:
If a member, while speaking, is called to order, he or she shall cease speaking until the point is determined, at which time he or she may resume speaking if it is appropriate to do so.

Section 14:
No sectarian discussion shall be permitted at any time during the meeting.

Section 15:
No member, except the Chairperson of a Committee or the mover or seconder of a resolution, shall speak for more than ten (10)
minutes at any one time, or more than once on the same question, until all members wishing to speak have had the opportunity to do so. A member may then be allowed to speak again, with permission from the Presiding Officer.

Section 16:
The Presiding Officer shall take no part in debate while presiding, but may yield the Chair to the First Vice-President in order to speak on any question before the meeting, or to introduce a new question.

Section 17:
The Presiding Officer shall have the same rights as any other members to vote on any question. In case of a tie vote, he or she may give a casting vote, or refrain from voting to break a tie, in which case the motion does not prevail and the decision is in the negative.

Section 18:
When a question has been put, no motion shall be in order except (1) to adjourn; (2) the previous question; (3) to lay on the table; (4) to postpone for a definite time; (5) to refer; (6) to divide or amend. These motions shall have precedence in the order named. The first three and the fifth shall be decided without debate.

Section 19:
A motion for the previous question, when regularly moved or seconded, shall be put into this form: “Shall the main question now be put?” If adopted, the Presiding Officer shall proceed to take the vote on the resolution and amendments to it (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended shall be put to the meeting.

Section 20:
A motion to adjourn is in order except (1) when a member has the floor; (2) when members are voting.
Section 21:
A motion to adjourn, having been put and lost, shall not be in order again, if there is further business of the meeting, until fifteen (15) minutes have elapsed.

Section 22:
Before the Presiding Officer declares the vote on a question or after a vote has been declared lost or carried, and before the meeting proceeds further, any member may ask for a “division”. A standing vote shall then be taken and the Recording Secretary shall count the same.

Section 23:
If any member shall feel personally aggrieved by the decision of the Presiding Officer, he or she may appeal to the meeting from such a decision.

Section 24:
When the decision of the Presiding Officer is appealed, the Presiding Officer shall state the decision and the reason for it. The appealing member shall also briefly state the reason for the appeal, after which, without further debate, the question shall be put to the meeting as follows: “Shall the decision of the Presiding Officer stand as the decision of the meeting?” It shall require a majority vote to sustain such appeal.

Section 25:
After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move a motion of reconsideration.

Section 26:
No member shall enter or leave the meeting during the reading of the Minutes, Initiation of new members, Installation of new Officers, or the taking of a vote. No member shall be allowed to leave without permission of the Presiding Officer.
Section 27:
All business done in the Local Union or Division meetings shall be strictly secret to all outside the Local Union.

Section 28:
A motion properly put to any Divisional meeting shall be put to the other Divisional meetings, exactly as originally presented (but with any amendments if such is the case) without explanation. The benefit of the result of the vote at other Divisional meetings shall not be given until the vote of the Division has been recorded. In exceptional circumstances, where guidance may be of benefit to the Local Union as a whole, it may be the prerogative of the President, or Presiding Officer, to clarify the issues, should he or she see fit.

ARTICLE D
(Reimbursements: Out of Pocket Expenses)

Section 1:
A Financial Policy Manual shall be created which will set out reimbursements to members, committees and other out of pocket expenses. This manual shall also deal with any other matters which involve financial obligations to the Local Union.

Section 2:
The Financial Policy Manual shall be subject to review and revision by the Trustees from time to time as they deem necessary. Amendments to the Financial Policy Manual shall be made under the provisions of Article 14.

Section 3:
Any member absent from work on authorized Union business shall be fully compensated by the Union for loss of wages and for any other properly incurred expenses.
ARTICLE E  
(Balloting Procedures)

Section 1:
As per Article 4, Section 5, balloting procedures shall take the following form:

a) Each ballot shall be a single sided sheet,

b) There shall be a single ballot for each position to be elected,

c) Each ballot sheet shall contain the names of all valid nominations for one position,

d) Each ballot sheet for each position in a given election shall be of a different colour,

e) A collection of ballot sheets reflecting all positions eligible for election shall be referred to as a ballot book,

f) Each Division shall have its own ballot book,

g) Ballots will only be made available to members at the balloting site, during the hours designated for balloting,

h) Each Division shall have its own ballot box which shall be locked,

i) Each ballot box will have a privacy shield to ensure secrecy,

j) Each ballot box shall be clearly visible to ensure propriety of the balloting.
Section 2:
Where delegates are being elected to a convention or a conference, where there are multiple nominees, each member voting shall be required to vote for the full number of candidates to be elected or the member’s ballot will be declared spoiled.

Section 3:
Each candidate may appoint a scrutineer. The candidate must present the name of this scrutineer to the Returning Officer a minimum of twenty-four hours prior to the day of balloting.

Section 4:
The Returning Officer may appoint members to assist the Election Committee as necessary and required to ensure the proper and orderly conduct of balloting and counting of ballots.

ARTICLE F
(Order of Business)

(1) Call to Order
(2) Roll Call of Officers
(3) Reading of Previous Minutes
(4) Applications for Membership
(5) Voting for Candidates for Membership
(6) Initiation of New Members
(7) Reports
(8) Nominations and Elections
(9) Unfinished Business
(10) New Business
(11) Good and Welfare
(12) Adjournment
ARTICLE G
(Approval and Effect)

Section 1:
This revised Constitution and By-Laws shall come into full force and effect upon the adoption by Burnaby Civic Employees Local Union #23, and the approval of the President of the Canadian Union of Public Employees.

THE HISTORY AND HIGHLIGHTS OF LOCAL 23

This Union first came into being by Charter from the Trades and Labour Congress of Canada, September 1919. The T.L.C. in turn, some 35 years later, was incorporated into the Canadian Labour Congress of Canada, which at this date is the highest union authority. Our Union’s charter was transferred from the T.L.C. to the National Union of Public Employees in 1955, with the National being set up by the CLC to specifically serve all Civic, school and hospital employees in Canada.

The Records of Local 23, preserved in safekeeping by the Secretary, show only the first union Minutes as from April 5th, 1928. In the years prior to that date, no doubt things were very sketchy, as all unions were struggling for identity. 1928 to 1931 show highlights of clashes between the employee and employers over wages, conditions and protection of the employees rights to unionize. Any type of fringe benefit was unheard of. 1931 to 1936 indicated efforts to obtain pay for Statutory Holidays, a 5 day work week and protective concessions. This was during the Great Depression, when as a group the union entered their first sickness and insurance coverage, which for 70 cents per month gave them benefit of $10.00 per week.

In 1933 the outside employees were working rotations in order to gain “a few days’ work now and again”, while the inside staff always faced discharges due to lack of funds to pay wages. The going rate was 40 cents per hour to “relief workers” or $40.00 per month salary. The Municipality went into receivership, most equipment was sold, and
these were the days when some parents had their elder sons leave home, in order that the younger children might have food. Union dues were 25 cents a month and at one meeting 80 members took suspension because they had not this amount to contribute: good citizens, good employees, holding on and returning to membership when they had the money to do so. It was in this year that the grass roots of social or socialistic thinking took hold and the record shows interest in Co-operative Commonwealth Federations: Parliamentary Units, Welfare Leagues: Protective Legislation Conferences: Democratic Rights Committees and such.

The early “forties” showed return of the Municipality from receivership and at which time the union began to better their wages. In 1943 the union gained the “union shop” as a protection against being undercut by cheap labour, favoritism, and individuals personally bettering themselves by varied approaches to their superiors, etc. The Minutes of March, 1941 show communications from Management, which in 62 words, outlined the membership’s working conditions.

In 1942 the cost-of-living wage scale was created and used to good effect during the war years. In 1943 the union entered affiliation with the Joint Council of Public Employees which was just then forming, in an effort to co-relate the aims and objectives of civic workers in this province. From March 1943 to October 1948, we have no record of union activities or Minutes and must assume they became a war casualty.

1950 showed the beginning of Local 23’s activity in provincial civic union problems, and the record for the next ten years verifies our climb to provincial and national status as an organization, comprised of realistic, hard working and responsible membership within and without our own special area.

Along with this development came further improvement in wages and conditions, to where they now rank among the best in Canada, in the public service field.
Business Agents were at times used and our union found themselves caught up in the move of “common trends” to the point where, like all major civic organizations, the days of intimate bargaining direct with Council disappeared and civic unions became in many ways, modern business operations.

In 1956, after many months of analysis, our operating structure was changed to provide for separate Divisions, operating their own special matters, but still under Certification (by the Labour Relations Act) and one common Charter. Contracts were split and the group memberships’ interests heightened. This was the first such structure of any civic union in the North American continent and has now been copied. We also created the first Financial Policy Manual of exact operating costs.

At that time the Union and Municipality entered into a Welfare Society Sick Plan which is also now being copied elsewhere in Canada. Out of this grew the jointly operated life insurance scheme we have today which gave the membership the highest coverage in Canada at its inception.

From the Minutes of the past 42 years, we salute many members who gave their best in leadership. Today and the tomorrows will present challenges of responsibility to our union in its major position - a responsibility that our membership has willingly assumed in the past and to which our history beckons our membership, both now and in the future.

Burnaby Civic Employees Union #23 Chartered by: Canadian Union of Public Employees, 1963, formerly UPE 1955, formerly TLC 1919: Affiliated with: Canadian Union of Public Employees, B.C. Division 1963, formerly National Union of Public Employees, B.C. Division 1943, and the Vancouver Metropolitan Council of Public Employees. General Secretary

(43)