

1375, boul. St. Laurent Blvd., Ottawa, ON K1G 0Z7

Tel./Tél. : (613) 237-1590 Fax/Télec. : (613) 237-5508 Toll free/Sans frais : (844) 237-1590

cupemail@cupe.ca/courriel@scfp.ca – cupe.ca/scfp.ca

## **BY E-MAIL**

October 7, 2020

Ian McLean  
National Representative  
Comox Valley Area Office

Dear Brother McLean:

I am writing in response to your letter of October 1, 2020 with which you submitted for approval proposed amendments to Local 556's bylaws.

Since the most current document on file was dated in 2014, and the National Constitution has been amended since then, I have reviewed this recent set of bylaws in its entirety to ensure compliance. For the most part, the document has been found in conformity with the National Constitution. I do, however, have certain recommendations to make, some of which will require amendment in order to ensure conformity.

### **SECTION 4 – MEMBERSHIP MEETINGS – REGULAR AND SPECIAL**

(d) Delegates at the 2019 National Convention adopted an amendment to Article B.6.1 of the National Constitution to add to the membership meeting's agenda an acknowledgement of the Indigenous nations on whose land the meeting is taking place, and to raise awareness about Indigenous peoples' presence in their territories. Local 556 will need to amend the Order of Business when it next reviews its bylaws to include this agenda item.

The local may consult [native-land.ca](http://native-land.ca) or their local Friendship Centre at [nafc.ca](http://nafc.ca) to get advice about Indigenous territory. Division or Regional Indigenous Councils or members of the National Indigenous Council may also be of assistance.

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**MARK HANCOCK**

National President/Président national

**CHARLES FLEURY**

National Secretary-Treasurer/Secrétaire-trésorier national

**DENIS BOLDOC, PAUL FAORO, FRED HAHN, JUDY HENLEY, SHERRY HILLIER**

General Vice-Presidents/Vice-présidences générales

Also, Article B.6.1 was amended at the 2009 National Convention to ensure members read the Equality Statement at the start of each meeting at all levels of CUPE. Local 556 will need to amend the Order of Business when it next reviews its bylaws.

7. The reference to an “Executive Committee”, a body that Local 556 has not defined within its bylaws appears here. This agenda item should be corrected to read “Executive Board Report”.

## **SECTION 7 – EXECUTIVE BOARD**

(g) Article B.2.5 of the National Constitution stipulates that *“If an Officer fails to attend three consecutive membership meetings or three consecutive executive meetings without good and sufficient reason, their office will be declared vacant and filled at the next meeting”*. It is important to note that we should be considering “consecutive” meetings and therefore a small amendment will be required here to ensure this.

## **SECTION 8 – DUTIES OF OFFICERS**

Article B.3.9 was amended at the 2011 National Convention to ensure that all Officers of a Local Union be required to turn over all property belonging to the Local Union to their successors at the end of their term of office. Therefore, I recommend that the following duty be included at the beginning of Section 8 to ensure that it applies for all Officers of Local 556:

*“All Officers must give all properties, assets, funds and all records of the Local Union to their successors at the end of their term of office”*.

Also, Article B.3.5 requires that all signing Officers be bonded, therefore I recommend that the following provision be included at the beginning of Section 8:

*“All signing Officers of Local 556 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.”*

### **(d) Recording Secretary and (e) Secretary-Treasurer**

The local’s bylaws do not include all of the required duties for these positions as stipulated in the National Constitution. Those duties automatically apply to Local 556 and for ease of reference by the Trustees, executive, and members, should appear in the bylaws and be added to the existing list of duties. I have attached suggested wording.

## **SECTION 9 – OUT-OF-POCKET EXPENSES**

(a) Since out-of-pocket expenses are reimbursement for actual incurred expenses and honorariums are payment for services rendered, reference to out-of-pocket expenses should be corrected to read honorariums.

## **SECTION 12 – NOMINATIONS, ELECTIONS AND INSTALLATION OF OFFICERS**

(b) Elections

(7) Having the President cast a deciding vote weakens the democratic process and may place the presidency in a situation of conflict. We encourage locals to hold a second vote in the event of a tie. Local 556 should reconsider this provision.

Local 556 will also need to determine which procedure it wishes to follow in the event of a tie vote and finalize this provision. I recommend the following wording:

*“In the event of a tie vote, a second and subsequent ballot(s) will be taken if necessary until a candidate receives a majority of votes cast and can be declared elected. In the event the tie vote persists, subsequent ballots may be deferred to the next membership meeting.”*

## **SECTION 15 – EXPENSES**

(g) Good of the Union

A gift in cash or near cash (such as a gift card) may be considered either taxable income or a taxable benefit from the first dollar, and therefore subject to applicable withholding taxes and reporting on either a T4 or a T4A, depending on the circumstances of the payment.

As well, Article B.4.4 of the National Constitution states, in part, that *“Funds can only be spent for the valid purposes of the Local Union ...”*. A monetary door prize has never been considered as an appropriate expenditure under Article B.4.4. However, the purchase of an article of some kind (i.e. plaque, pen, cap, piece of clothing) can or could be considered and deemed to serve the purpose of the Local Union if it helps promote the local within the membership (or if it helps promote the local by offering visibility on a public/community level) by its having an insignia or a local logo on it. Perhaps a draw of CUPE items could be considered instead of a monetary door prize.

## SECTION 17 – AMENDMENT

(b) Article B.5.1 of the National Constitution provides that a Local Union may amend or add to its bylaws only if a “*notice of the intention to propose the amended or additional bylaws was given at least seven days before at a previous membership meeting or 60 days before in writing*”. Both of these notice provisions should be included in the bylaws to ensure conformity.

### General

At the 2011 National Convention, delegates adopted a new clear language document and clarified the sequence and order of provisions found under Appendix B. As a result, references to certain articles of the National Constitution have been changed. When Local 556 next reviews its bylaws, it will need to update any references to articles as appropriate. They follow:

Page 5 – Section 4 (d) – Article B.VIII is now Article B.6.1;  
Page 5 – Section 7 (b) – Article B.3.13 is now Article B.3.14;  
Page 5 – Section 7 (f) – Articles B.6.1 to B.6.7 are now Appendix F;  
Page 9 – Section 10 (a) – Article B.10.2 is now Article B.8.2;  
Page 10 – Section 10 (b) – Articles B.4.1 and B.11.2 are now Article B.4.1;  
Page 10 – Section 10 (c) – Articles B.4.1 and B.4.3 are now Article B.4.3;  
Page 10 – Section 11 – Article B.11.1 is now Article B.8.6;  
Page 16 – Section 17 (a) – Articles 12.3 and B.7.1 are now Articles 13.3 and B.5.1;  
Page 16 – Section 17 (b) – Article B.7.1 is now Articles 13.3 and B.5.1; and  
Page 16 – Section 17 (c) – Article B.7.1 is now Article B.5.1.

Except for the required changes mentioned above, the bylaws are in compliance with the National Constitution. Therefore, I am pleased to confirm their approval in accordance with the provisions of Article XIII and I look forward to hearing from you again with respect to my comments above.

In solidarity,



MARK HANCOCK  
National President

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cc: T. Jarzebiak; M. Brisard; Z. Magnus; K. Garrett, President, CUPE Local 556; G. Beebe, Recording Secretary, CUPE Local 556

## SECTION 8 – DUTIES OF OFFICERS

### (d) **Recording Secretary**

The Recording Secretary shall:

- Keep full, accurate, and impartial account of the proceedings of all regular or special membership and Executive Board meetings. These records must also include a copy of the full financial report (Executive Board meetings) and the written financial report (membership meetings) presented by the Secretary-Treasurer. The record will also include Trustees' reports.

(Article B.3.3)

### (e) **Secretary-Treasurer**

The Secretary-Treasurer shall:

- Sign all cheques and ensure that the Local Union's funds are used only as authorized or directed by the CUPE Constitution, Local Union bylaws, or vote of the membership. In consultation with the Executive Board, designate a signing officer during prolonged absences.
- Make a written financial report to each regular membership meeting, detailing all income and expenditures for the period.

(Articles B.3.4 to B.3.8)