



Constitution

Of the

Canadian Union of Public Employees

Prince Edward Island Division

**As Amended at the
2014 CONVENTION**

PREAMBLE:

This Constitution is designed to give proper balance to the Administration of the Canadian Union of Public Employees, Prince Edward Island Division. Duties and responsibilities for efficient operations of CUPE PEI should be shared by the many rather than by the few. While various Committees have been designated as "Standing Committees", this in no way precludes the possibility of further Committees being established from time to time as may be required and necessary. CUPE PEI Division has been formed in order to improve and maintain the social and economic welfare of its members and to give clear and concise evidence of its recognition of the unity of organized labour and does now establishes this Constitution for its government.

ARTICLE 1 - NAME AND AUTHORITY

- (a) This organization shall be known as the "Canadian Union of Public Employees - Prince Edward Island" hereinafter referred to as "CUPE PEI".
- (b) CUPE PEI shall be subject to the Constitution of the Canadian Union of Public Employees.
- (c) For the purposes of financial reports, the fiscal year of CUPE PEI shall be January 1st to December 31st inclusive of any year.

ARTICLE 2 - OBJECTIVES AND METHODS

- (a) The objectives of CUPE PEI shall be:
 - 1) To advance the efficiency of public employees generally and the labour movement as a whole.
 - 2) To support the objectives of the Canadian Union of Public Employees.
 - 3) To promote suitable legislative measures within this Province to further the interest, aims and objectives of the Local Union members as from time to time prevail.
 - 4) To promote the maximum participation of locals in this Division in the Canadian Union of Public Employees, the Canadian Labour Congress and Provincial Federations.
 - 5) To assist in the organization of unorganized workers generally, and public employees in particular, in the Province.

- 6) To promote such educational, legislative, social and other activities as may assist the affiliated locals.
 - 7) To use every honourable means in our power to adjust difficulties that may arise between our membership and their Employer.
 - 8) To obtain the maximum participation by Locals in programs in the Canadian Union of Public Employees.
- (b) The policy of CUPE PEI is to conduct its policy and business in a peaceful and lawful manner.
 - (c) CUPE PEI fully supports and recognizes the Equality Statement in the National Constitution. (Appendix B)
 - (d) CUPE PEI fully supports and recognizes the CUPE PEI Code of Conduct in the CUPE PEI Constitution. (Appendix C)
 - (e) The method of obtaining the objectives of CUPE PEI shall be:
 - 1) Establishing cooperative relations between Employers and employees;
 - 2) Promoting desirable legislation;
 - 3) Conducting educational programs designed to enlighten the general public and membership with respect to problems of public employees;
 - 4) Cooperating with the National Union and its Departments in furthering the general well-being of the Canadian Union of Public Employees.

ARTICLE 3 - MEMBERSHIP

1. Membership in CUPE PEI shall be open to any CUPE Local Unions on PEI in good standing with the Canadian Union of Public Employees.
2. A Local Union once affiliated, ceasing membership in CUPE PEI, must pay all per capita tax arrears for the time outside the membership of CUPE PEI, but not to exceed one year's per capita tax, to be fully re-instated as affiliated members. The foregoing shall be subject to formal appeal to the **CUPE PEI Division Executive Board** by any delinquent local for relief from the provision of this Section. Such decision to be submitted to the next Convention for approval or amendment.

ARTICLE 4 - SPECIAL CONVENTION CALL

1. A special Convention called for the purpose of considering an emergency matter referred by the **CUPE PEI Division Executive Board** shall be in the hands of the affiliates at least thirty (30) days prior to the date of the Convention and such Convention shall only discuss the matters presented by the **CUPE PEI Division Executive Board**.
2. A special Convention may be called by the **CUPE PEI Division Executive Board** of CUPE PEI or upon request of five (5) affiliated Locals in good standing submitted in writing by them to the **CUPE PEI Division Executive Board**. The request shall state clearly the purpose or purposes for which the meeting is desired and no other business shall be transacted on the occasion.

ARTICLE 5 - CONVENTION

1.
 - a) Date and Location The date and time of the Convention shall consistently be held in the month of May, unless extenuating circumstances exist. Such extenuating circumstances shall be determined by the Executive of CUPE PEI. Convention is to be held on Thursday and Friday unless extenuating circumstances exist.
 - b) The Convention shall be a two-day format consisting of:

Day 1 – Registration from 9 -10 a.m., followed by business for the remainder of the two-day convention with election of officers being held on the second day of the convention. A social event consisting of some type of meal and event shall be planned for the evening of Day 1 of the Convention.
2. Convention Call - The Convention Call shall be sent out ninety (90) days prior to the day of the Convention.
3. Representation - At all conventions of CUPE PEI, the basis of representation from affiliated locals shall be:
 - a) Four (4) delegates for the first fifteen (15) members and one (1) additional delegate for each additional fifty (50) members or major fraction thereof.
 - b) To be entitled to representation at a Convention, a Local Union shall have paid per capita tax on its total membership for the last three (3) months prior to the Convention. A newly affiliated Local shall have paid per capita tax on its total membership from the month of their affiliation.

- c) Local Unions having fewer than twenty-five (25) members shall receive an application to apply for registration fee subsidization to assist in their sending of delegates to the Convention, and the Executive is empowered to act thereon. Application forms for same will be sent to these Locals with the Convention Call.
4. a) Alternate Delegates - An affiliated Local Union may elect alternate delegates to attend annual or special Conventions. For the purpose of this section, the duly elected alternate must be in possession of a delegates 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 the privileges of the delegate being replaced.
- b) Fraternal Delegate - Is a representative of a CUPE Division, Council or Local from outside the Province of PEI; as well as, any employee of CUPE; as well as, a representative of another Union or worker organization; any of which have been extended an invitation to attend our Convention.

Fraternal delegates shall be obligated to pay the registration fee to gain access to the Convention floor. Fraternal delegates shall be entitled to voice, but not vote, at the Convention; but only if recognized by the Chair.

- c) Observers - Observers are representatives of non-affiliated Locals of CUPE and representatives, but not voting delegates, of affiliated Locals of PEI; as well as any other representatives of Governments, etc. any of which have been extended an invitation to attend our Convention.

Non-affiliated Locals of CUPE shall be allowed to send no more than three (3) observer delegates to the Convention.

Affiliated Locals of CUPE, after having sent their allowable number of voting delegates, may send an equal number of observer delegates to the Convention.

Observers shall be obligated to pay the registration fee to gain access to the Convention floor.

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.

5. Registration Fees - Registration fee shall be seventy-five (\$75) dollars a delegate, also to include guests, excepting those guests approved by the Executive.

6. Quorum - A quorum of all meetings shall consist of ten (10) members, excluding the President, representing a minimum of ten (10) affiliated Local Unions and properly credentialed. Provided, however, that a properly called meeting for which no quorum was available may be deferred to another date.
7. Resolutions and Amendments - All resolutions to be considered at a Convention must be properly worded, typed or clearly written or printed and submitted by a Local Union or by the Executive Board of CUPE PEI, or Committee thereof, so that they are in the hands of the Secretary not later than forty-five (45) days prior to the Convention. All resolutions must be submitted under the letterhead of the affiliate submitting same and signed by the Presiding Officer and Secretary of such affiliate.
- The Recording Secretary of CUPE PEI shall forward a copy of all resolutions to be introduced at the Convention to the Presidents of affiliated Locals twenty (20) days prior to Convention date.
- a) An emergency resolution may be submitted to CUPE PEI's Executive Board for their approval prior to Convention. Emergency resolutions are defined as something that happened forty-five (45) days prior to Convention.
- b) At Convention, emergency resolutions must be introduced from the floor of the Convention and may be considered only on the consent of a two-thirds (2/3) majority of the Convention.
8. Convention Committees - There shall be five (5) Convention Committees; namely - Credentials, Resolutions, Nominations, Convention and Constitution. All Chairpersons shall be appointed from the **CUPE PEI Division Executive Board** and all members of Committees shall be appointed by the **CUPE PEI Division Executive Board** from the registered delegates. All Committees shall be notified thirty (30) days prior to the opening of the Convention. If it is necessary, during the Convention, that revisions be made to the said Committees or that additional Committees are required, the President shall appoint same, subject to the approval of the delegates. The President, if it is found necessary, shall be empowered to convene such Committees prior to the opening of the Convention and their term of appointment shall expire at the adjournment of the Convention.
9. The proposed agenda of any Convention shall be forwarded to the affiliated Local Union thirty (30) days prior to the Convention.
10. Rules of Order - Rules of Order shall be in accordance with Appendix "A" attached hereto, and forming part of this Constitution. Bourinot's Rules of Order shall prevail on matters not covered by the Rules of Order.

11. Executive, CUPE PEI Committee and National Committee Reports to Convention – All Executive Officers and Chairpersons of CUPE PEI Committees and National Committee Representatives shall submit a typed report to the Secretary during his/her term of office, at least forty-five (45) days prior, where possible, to the Convention. These reports will be part of the general convention report. If the report is not on time, the officer is responsible for copying a sufficient number of copies for all convention delegates.
12. Minutes of the Annual General Meeting - A complete report of the Convention shall be prepared by the Secretary, with the assistance of the **CUPE PEI Division Executive Board** and forwarded to all affiliated locals with the Convention Call.
13. Incumbent Officers to Conventions - All Executive Officers and Trustees of CUPE PEI in office at the time of the Convention, shall attend such Convention as fully accredited delegates, at the expense of CUPE PEI, provided the aforementioned Officers and Trustees are members in good standing of an affiliated Local.
14. Staff Voice at Convention - 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 PEI where its administration is concerned. The staff of CUPE shall be given fraternal delegate status.

ARTICLE 6 - OFFICERS AND TRUSTEES

1. The Officers of CUPE PEI shall consist of **four (4) Table Officers**, a President, Vice-President, Recording Secretary, **and Treasurer; as well as**, seven (7) Executive Officers representing East Health Care Employees (includes Locals 1778 & 805), West Health Care Employees (includes Local 1779 & 1051), Education East Employees and Education West Employees. Municipal Employees & Police, UPEI & UPEI Security Police, Island EMS/ Atlantic Baptist Nursing Home and Group Homes. (one from each group).

Elections shall be held annually for a two (2) year term. The President, Vice-President, Recording Secretary, Treasurer and Executive Officers positions up for election shall be:

In the odd years:

President

Treasurer

In the even years:

Vice President

Recording Secretary

Health Care East Employees

Health Care West Employees

Education West Employees

Education East Employees

UPEI & UPEI Security
Police

Municipal Employees & Police

Island EMS/ Atlantic Baptist
Nursing Home and Group Homes

2. Trustees - There shall be a Board of Trustees consisting of three (3) members whose term of office for each member shall be: one (1) for three (3) years; one (1) for two (2) years; and, one (1) for one (1) year. The Trustees shall determine the Chairperson.
3. Term of Office – The Officers of CUPE PEI shall serve for two (2) years.
4. Regional Vice-President Nominee - The nominee for Regional Vice-President to the National Executive Board shall be the incumbent President of the Canadian Union of Public Employees, Prince Edward Island, at the time of the National Biennial Convention.

Should the Regional Vice-President's office become vacant during its term, CUPE PEI shall name a nominee to the position for the unexpired term and forward such name to the National Executive Board for consideration.

ARTICLE 7 - ELECTION OF OFFICERS

1. Election of officers shall be held on the closing day of the Annual Convention.
2. All accredited delegates to the Annual Convention of the Canadian Union of Public Employees, Prince Edward Island Division, shall be eligible for election to any office or membership of any committee. Once elected, the member shall retain office as long as their Local Union remains an affiliated local of CUPE PEI Division and the member remains in good standing with their Local. Officers may be elected from the delegates attending Convention or delegates may submit a signed letter to the Convention indicating their intention to stand for office.
3. The **CUPE PEI Division Executive Board** shall appoint an Election Committee who shall be responsible for Election of Officers. No member of the Election Committee shall be a candidate for office.

4. Elections shall be conducted by secret ballot. Each delegate shall be entitled to only one vote. Unless otherwise specified, a candidate must obtain a majority of votes cast, i.e. at least 50% plus 1, to be declared elected. When no candidate obtains a majority, the candidate receiving the fewest votes shall be dropped and a second ballot taken. The process shall continue until one candidate has obtained a majority. Where more than one office is to be filled on one ballot, a candidate must obtain a majority to be declared elected. If run-off elections are required, the Chair shall, after each vote, declare which candidates, if any, have been elected, declare which candidate must withdraw as a result of receiving the fewest votes, and state how many positions remain to be filled on the next ballot.
5. The Election Committee Chairperson shall be responsible for issuing, retrieving and counting of ballots. He/she shall report results of all votes to the Chairperson, who will announce results to the Convention.
6. When two (2) or more nominees are to be elected to any office by ballot, each delegate voting shall be required to vote for the full number of candidates to be elected or the delegate's ballot will be declared spoiled.
7. The election of each office shall be completed before nominations may be accepted for any subsequent office.
8.
 - a) Nominees allowing their names to go forward for office shall upon acceptance of the nomination come forward to the Convention platform and clearly and audibly speak the following lines to the assembled delegates:

 "I solemnly promise and declare that I will support and obey the Constitution, objects, principles and policies of the Canadian Union of Public Employees".
 - b) Upon completion of the election, the newly elected Officers and Executive Board members shall come forward to the Convention platform and clearly and audibly speak the following lines to the assembled delegates:

 "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 PEI 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 promptly deliver all monies, books, papers, or other property of CUPE PEI in my possession to my duly elected successor in office".

9. The term of office of all elected Officers shall commence immediately following the adjournment of the Convention.
10. In the event of a permanent vacancy of one or more members of the **CUPE PEI Division Executive Board**, a By-Election would be held at the next CUPE PEI Annual Convention. The term of office would be required to fall back into the staggered terms (odd and even years) pursuant to Article 6.1 of this Constitution.

ARTICLE 8 - DUTIES OF OFFICERS

1. President

- a) It shall be the duty of the President to preside over all Conventions of CUPE PEI and all meetings of the **CUPE PEI Division Executive Board**. The President shall be ex-officio to all Committees.
- b) The President shall preserve order and enforce the Constitution of CUPE PEI.
- c) The President shall have the authority to interpret the Constitution and his/her interpretation shall be conclusive and in full force and effect unless reversed or changed by the **CUPE PEI Division Executive Board** or by the Convention or CUPE President.
- d) The President shall sign cheques and bank drafts and **all** other official documents relevant to the operation of CUPE PEI. The President shall be bonded for a proper amount through the National Office of CUPE.

2. Immediate Past President

The immediate Past President may be appointed by the **CUPE PEI Division Executive Board** in the first (1st) year of the succession of a new President. He/she shall at all times assist the officers and members by making available to them the benefits of their experience in office. They shall have full voice but no vote at any meeting.

3. Vice-President

The Vice-President shall in general, assist the President in the performance of his/her duties and shall preside at Conventions and/or meetings at the request, or in the absence of the President, and perform such other duties as the Convention or the **CUPE PEI Division Executive Board** shall from time to time determine. The Vice President shall be Chair of the Convention Committee. In the event of a permanent vacancy in the office of the President, he/she shall become President. **The Vice-President shall have signing authority.**

4. Recording Secretary

- a) The Recording Secretary shall forward a copy of all approved Executive Board Meeting Minutes to all Executive Board Members, Trustees, and the Executive of all affiliated Locals within three (3) days of the minutes being approved.
- b) Conduct the correspondence, and take charge of all books, papers and effects pertaining to the office.
- c) Purchase necessary office supplies as approved by the **CUPE PEI Division Executive Board**, i.e. stamps, letterhead, envelopes.
- d) Prepare the Minutes for the Annual Convention and forward a copy of the minutes to all affiliated locals with the Convention Call.
- e) The Recording Secretary shall forward a copy of the minutes of each Executive Board meeting prior to the next meeting, to each affiliated local, Trustees, and each Executive Board Member.
- f) The Recording Secretary shall keep the President informed of all important correspondence received between Executive Board meetings.
- g) The Recording Secretary shall perform other related duties as directed by the Convention, the Executive Board, or the President.

5. Treasurer – The duties of the Treasurer are as follows:

- a) Keep and maintain a correct record of all receipts and disbursements of CUPE PEI.
- b) Have the necessary books and statements audited by the Trustees according to the CUPE National Constitution (Article B.3.11).
- c) Produce at each Annual Convention, the detailed financial statements of CUPE PEI.
- d) The Treasurer shall prepare and submit to the **CUPE PEI Division Executive Board** a budget outlining the anticipated revenue and expenses of CUPE PEI for the coming fiscal year. After approval by the **CUPE PEI Division Executive Board**, the budget shall then be submitted to the annual Convention.

- e) The Treasurer shall oversee the keeping and maintenance of any funds pertaining to the Committee, ensuring a proper and correct recording of all receipts and disbursements.
- f) Place all per capita and monies in appropriate accounts in a Credit Union.
- g) Purchase all supplies necessary for the office, as approved by the **CUPE PEI Division Executive Board**.
- h) All payments made on behalf of CUPE PEI shall be by cheque and all payments shall be authorized prior to the cheque being issued.
- i) The voucher system shall be used for all payments and these vouchers are to be signed by the President and the Treasurer, or in the absence of either of these officers, by any two (2) of the three (3) signing officers.
- j) Be a signing Officer along with the President or Vice President.
- k) The Treasurer shall be properly bonded with a faithful performance of duty bond; such bond shall not be for less than five hundred dollars (\$500) and shall be approved by the National Secretary-Treasurer of the Canadian Union in accordance with Article X11, Section 12.5, of the National Constitution.
- l) For purposes of clarification the fiscal year for CUPE PEI will be January 1st to December 31st of the calendar year.

6. Trustees - The duties of the Trustees are as follows:

- a) Audit the books of the Treasurer and exercise general supervision over the property of CUPE PEI.
- b) Examine the books and records of the Treasurer and inspect or examine all properties, bonds and other assets of CUPE PEI at least two (2) times per year.
- c) Submit a transcription of their reports to the Annual Convention and to the National Secretary-Treasurer of CUPE.
- d) Other duties as may be directed by the Annual Convention or Executive Board.
- e) Conduct audits, as per the foregoing provisions of all Committees, in cooperation with the Treasurer of the Division.
- f) The Trustees shall do an audit every time a new Treasurer is elected or appointed.

7. Executive Officers - The duties of the Executive Officers are as follows:
- a) Maintain close liaison with all CUPE affiliated Local Unions and keep them informed of the plans and aims of CUPE PEI.
 - b) Keep the Executive Board informed of matters in their locality which affect the concerns of public employees.
 - c) Prepare a written report to present at each Division meeting and provide a copy of the report to the Recording Secretary.
 - d) Attend meetings of the Executive Board whenever called.
 - e) Other duties as may be directed by the Annual Convention or Executive Board.

ARTICLE 9 - CUPE PEI DIVISION EXECUTIVE BOARD

1. The **CUPE PEI Division Executive Board** shall be composed of **four (4) Table Officers**; the President, Vice-President, Secretary, Treasurer, and seven (7) Executive Officers.
2.
 - a) The **CUPE PEI Division Executive Board** shall conduct all business referred to it by Convention and shall, in the interval between Conventions, have full and complete charge of all business of CUPE PEI not otherwise provided for.
 - b) The **CUPE PEI Division Executive Board** shall have the sole authority to authorize the expenditure of funds for additional professional services as they may deem necessary from time-to-time and as required by the **CUPE PEI Division Executive Board** to fulfill their mandate.

Members of the **CUPE PEI Division Executive Board** shall not be eligible to provide these professional services for remuneration.

The actual expenditure of funds for professional services shall only be permitted when the following criteria are met:

- i) Requests for professional services must be accompanied by a budget including what service is required, for what reasons, for how long and the anticipated costs of the service.
- ii) The professional services must be provided by unionized professionals whenever possible.

- iii) Actual expenditure of funds for approved professional services shall not occur until appropriate documentation has been submitted to the **CUPE PEI Division Executive Board** (receipt or invoice, completed expense voucher and minutes of **CUPE PEI Division Executive Board** meeting approving provision of the professional service).
- 3. The **CUPE PEI Division Executive Board** shall meet at least **four (4) times annually. Fifty (50) percent of the CUPE PEI Division Executive Board may call a meeting of the board at anytime.** Five (5) members shall constitute a quorum. The locale of such meetings shall be decided by the **CUPE PEI Division Executive Board** and notice of such meetings shall be given to all affiliated Local Unions. Such Locals shall be permitted to send observers to the meeting. Such observers shall be permitted questions following the business of the meeting.
 - a) **The table officers of the CUPE PEI Division Executive Board will meet at least four (4) times annually excluding the CUPE PEI Division Executive Board meetings.**
- 4.
 - a) Should a vacancy occur in the office of President, the Vice-President shall fill the office of President, until a By-Election can be held at the upcoming Division Convention.
 - b) Should a vacancy occur in the office of Vice-President, Secretary or Treasurer, the **CUPE PEI Division Executive Board** shall elect from within its members, one (1) to fill the vacant office, until a By-Election can be held at the upcoming Division Convention.
 - c) Should a vacancy occur in the office of Executive Officer, the **CUPE PEI Division Executive Board** shall be empowered to seek out a nominee and by appointment of the **CUPE PEI Division Executive Board** fill such a vacancy, until a By-Election can be held at the upcoming Division Convention.
- 5. Should any Officer fail to answer the roll call for three (3) consecutive meetings without having good and sufficient cause, this office shall be declared vacant and the position filled, by the **CUPE PEI Division Executive Board**, until a By-Election can be held at the upcoming Division Convention.

ARTICLE 10 - COMMITTEES

- a) The following provisions, as set out herein, shall apply to Committees of the Division, i.e. Convention Committees, Standing Committees and Special Committees.
- b) (i) Convention Committees - There shall exist five (5) Convention Committees - Article 5, subsection 8.

- (ii) Credentials Committee - shall consist of three (3) members and shall be charged with responsibility for those duties associated with the proper qualifications and registration of delegates, fraternal delegates, observers and guests of the Convention. The Committee shall report to the Convention on its activities, in a manner, as directed by the **CUPE PEI Division Executive Board**.
- (iii) Resolutions Committee - shall consist of three (3) members and shall be charged with receiving and acting upon all resolutions, of a non-constitutional nature, and reporting their recommendation on those resolutions to the Convention for the consideration of the delegates.

The Committee may combine resolutions or prepare a composite to cover the intent of the question at issue (Article A.14 of CUPE National Constitution).

- (iv) Nominations Committee - shall consist of three (3) members and shall be charged with finding creditable nominations, for any positions which will knowingly come to the convention floor for election. The Committee shall ensure, to the best of their ability that nominations are made for all potential elections, but placing priority on those vacancies, for which no incumbent intends to let his/her name stand for re-election, so as to ensure nominations at the Convention. They shall not be candidates for office.

The Committee shall report on its activities at the time appointed for the election process at the Convention.

- (v) Convention Committee - shall consist of five (5) members and shall be charged with the responsibility of preparing for a successful convention. The Committee shall work in close cooperation with the **CUPE PEI Division Executive Board** in planning and preparing for the Convention.

The **CUPE PEI Division Executive Board** may direct the Convention Committee to report from time to time on its activities, leading up to the date of the Convention and at Convention.

- (vi) Constitution Committee - shall consist of three (3) members and shall be charged with receiving and acting upon all resolutions of a Constitutional nature and reporting their recommendation on those resolutions, to the Convention for the consideration of the delegates.

c) Standing Committees

- (i) The following Standing Committees have been established by the CUPE PEI Division:
- a) Women's Committee
 - b) Occupational Health & Safety Committee
 - c) Global Justice Committee
 - d) Privatization and Contracting Out Committee
 - e) Environment Committee
 - f) Equality Committee
 - g) Political Action Committee
 - h) Literacy Committee
 - i) Young Workers Committee
 - j) Pensions Issues Committee
- (ii) The CUPE PEI Treasurer will mail CUPE PEI Bursary Per Capita forms to all affiliated Locals of CUPE PEI no later than June 1st of each year and the Treasurers of Locals wishing to participate in the CUPE PEI Bursary Fund be directed to submit their Bursary Per Capita to the Treasurer of CUPE PEI no later than July 30th of each year.
- (iii) Standing Committees with the exception of the Equality Committee shall consist of six (6) members: one (1) from each of the CUPE sectors on PEI; Health, Education, Municipalities, University, and Island EMS/Atlantic Baptist Nursing Home and Group Homes, and the corresponding National Committee or Working Group Representative. The Equality Committee shall consist of each of the PEI representatives on the following CUPE National Committees: Women's; Pink Triangle, Young Workers, Global Justice, Disabilities Working Group, Rainbow and Aboriginal Council. Each Standing Committee will have a Division Executive member as a liaison between the Committee and the Division Executive.
- (iv) The Chairperson of the Standing Committee shall be elected by the members of the Committee.
- (v) The members of Standing Committees shall be selected and appointed by the **CUPE PEI Division Executive Board** in the following manner:
- a) Committee members shall be selected from sector caucus nominations at the Annual Convention and shall be reflective of the membership of CUPE Prince Edward Island. Caucus nominees do not have to be accredited delegates to the Convention.

- b) Appointments to Committees shall be for a term of two (2) years. Committee members shall be eligible for re-appointment to subsequent terms of office, providing they are nominated by their sector caucus. Re-appointments to Committees shall be:

In the odd years:

CUPE PEI Environment Committee
 CUPE PEI Occupational Health and Safety Committee
 CUPE PEI Privatization and Contracting Out Committee
 CUPE PEI Literacy Committee
 CUPE PEI Pensions Issues Committee
 CUPE PEI Public Relations Campaign Fund Committee

In the even years:

CUPE PEI Women's Committee
 CUPE PEI Global Justice Committee
 CUPE PEI Political Action Committee
 CUPE PEI Young Workers Committee

- c) Upon being appointed, the Committee members shall first meet and develop a mandate and policies, for their Committee activities and for the proper functioning of the Committee. This developed mandate and policy must first receive the approval of the **CUPE PEI Division Executive Board** before it may be implemented and put into practice.
- d) Standing Committees will be given an annual budget of five hundred dollars (\$500) to cover mileage and meals for committee members; application may be made to the CUPE PEI Executive for an additional two hundred and fifty dollars (\$250) if necessary. These funds will be managed by the CUPE PEI Treasurer and all claims must be submitted to the Division Treasurer on the prescribed form.
- e) Standing Committees will meet a minimum of two (2) times per year. Standing Committees will provide regular reports to the CUPE PEI Division on the activities of the Committee.
- f) Standing Committee members will be reimbursed Child Care expenses, up to a maximum of fifty dollars (\$50.00) incurred for Child Care outside of the member's regular working hours. Receipts must be provided.

d) **Special Committees**

- (i) A Special Ad Hoc Committee may be established for a specified purpose and period by the Convention or by the **CUPE PEI Division Executive Board** at a meeting.

- (ii) The members to the Committee shall be elected at Convention or selected and appointed by the Executive Board, between Conventions and as necessary.
- (iii) The size of such Committee shall not exceed seven (7) members and the Chairperson shall be appointed by the **CUPE PEI Division Executive Board**.
- (iv) A Secretary shall be selected from within the members of the Committee and appointed by the members of the Committee.
- (v) The Secretary shall be responsible for keeping complete and accurate records of minutes.
- (vi) The mandate of the Committee shall be as established, at the time, by the Convention or by the **CUPE PEI Division Executive Board**.
- (vii) The term of appointment of members to a Special Ad Hoc Committee shall automatically expire at the completion of their established mandate, which may be determined by the **CUPE PEI Division Executive Board**, should there be any doubt.
- (viii) Planning and Priorities Committee shall consist of the Table Officers of the Executive Committee, Regional Director, and other staff as required. This committee will meet to assist the Executive Committee plan and execute priorities of the board. The Planning and Priorities Committee will report to the Executive Committee after each meeting.**

e) Public Relations Campaign Fund Committee

- (a) Composition – The committee shall consist of the Treasurer of CUPE Prince Edward Island and one (1) member from each sector caucus (Health, Education, Municipalities, University, and Island EMS / Atlantic Baptist Nursing Home and Group Homes. Caucus nominations shall be reflective of the membership of CUPE Prince Edward Island.
- (b) Duties
 - (i) Review all application(s) received and notify the appropriate applicant and the Treasurer of CUPE PEI within thirty (30) calendar days of receipt from the Treasurer whether or not the application has been approved.
 - (ii) Submit a report to CUPE PEI convention, which will include a detailed breakdown of the amounts of the cost per campaign.

(c) Eligibility

The following chartered organizations are eligible for funding under the CUPE PEI Public Relations Campaign Fund: CUPE PEI, Chartered CUPE Councils and CUPE Locals.

(d) Eligible Criteria

All the following conditions must be met in order to receive funding from the PR Campaign Fund:

- (I) The local must have an income related union dues structure in conformity with Article B.43 of the CUPE Constitution.
- (ii) At the time of the application the local must be in compliance with the CUPE PEI constitution provision governing affiliation.
- (iii) Application for funding must be made on an official application form provided by CUPE PEI and signed by the President and Treasurer of the chartered organization.
- (iv) At the time of application the applicant must provide the most recent monthly financial report.

(e) Guidelines

Guidelines will be developed by the Ad Hoc Committee for the first time, to be included with the application form (copy attached). Standing Committees will follow the CUPE PEI Committee Guideline Policy.

(f) Signing Authority

The signing officers of the PR Campaign Fund will be the signing officers of CUPE PEI.

Any Committee, upon its dissolution, shall promptly deliver all monies, books, papers, or other property of the Committee or of the Division, in their/its possession to the **CUPE PEI Division Executive Board**.

ARTICLE 11 - REVENUE

The revenue of CUPE PEI shall be derived as follows:

1. From all Local Unions, a per capita tax of seventy-five (\$0.75) per member per month.
2. Per capita to CUPE PEI shall be paid on the same membership basis as applied in per capita payments to the Canadian Union of Public Employees.
3. Per capita forms will be forwarded to affiliated locals on the 1st of June, September, December and March of each year. Per Capita will be due on the 30th day of these months to cover the period of the three (3) preceding months. If per capita is not received by the 30th of the month, a 2% penalty shall be applied to the per capita payments owing.

ARTICLE 12 - AMENDMENT TO THE CONSTITUTION

This Constitution or any part of its clauses may be amended at any regular Convention by form of a resolution or **CUPE PEI Division Executive Board** recommendations by two-thirds (2/3) majority vote of delegates present at such Convention.

ARTICLE 13 - EXPENSES & HONOURARIA

1. Members of the Executive attending CUPE PEI business outside the province shall receive seventy-five (\$75) per day for meals and expenses, actual cost of hotel, lost wages (if necessary) and travel allowance at the provincial rate.
2. Child Care expenses, to a maximum of fifty dollars (\$50) will be reimbursed to executive members for childcare expenses incurred for childcare outside of the member's regular working hours. Receipts must be provided.
3.
 - (a) Any legitimate travelling costs shall be reimbursed, **at the set rate of \$0.45 per kilometer** while using a personal vehicle on CUPE PEI business.
 - (b) Receipted meal expenses will be reimbursed at the following rate: \$10 - breakfast, \$18 - lunch, and \$27 - dinner; to a maximum of \$55 per day, while on CUPE PEI business in province.
 - (c) Hotel expenses and lost wages (if necessary) will be covered for executive members on CUPE PEI business in province.

- (d) All Executive Officers must have permission of the President or Convention before undertaking any duties on behalf of CUPE PEI that may incur costs.
4. (a) All officers of CUPE PEI shall be insured under coverage available to union officers through a master policy held by the Canadian Union of Public Employees, Ottawa.
- (b) All officers of CUPE PEI shall be insured under accident coverage to union officers through a policy held by CUPE PEI.
5. Honorariums shall be paid to the following Executive Officers of CUPE PEI at the following rates per year:
- | | | |
|----------------|---|-------|
| President | - | \$500 |
| Secretary | - | \$500 |
| Treasurer | - | \$500 |
| Vice-President | - | \$500 |
| Board Members | - | \$400 |
| Trustees | - | \$100 |
6. Cover the mileage costs for those members of CUPE National Committees and Working Groups who do not have a Provincial Standing Committee 10(c)(i) in the Constitution, to meet at least once per year on Prince Edward Island to support one another with provincial CUPE activities.

ARTICLE 14 - NATIONAL CONVENTION

1. The President of CUPE PEI shall be the accredited delegate to the National Convention of the Canadian Union of Public Employees. If the CUPE PEI President is unable to attend the convention, the Vice President shall become the accredited delegate.
2. The CUPE PEI delegate at the National Convention will have the authority, when special collections are taken for members or locals who are in extreme circumstances, to pledge a donation of a maximum of two hundred dollars (\$200) per National Convention on behalf of CUPE PEI.

ARTICLE 15 - CONSTITUTION - CANADIAN UNION OF PUBLIC EMPLOYEES

Additionally to Article 1(b) and for purposes of clarification, should the provisions of this Constitution be found to be deficient in any respect, the Constitution of CUPE (National) must be relied upon to arrive at and make decisions, with respect to such issue(s)/matter(s) in doubt or in dispute.

ARTICLE 16 – DONALDA MACDONALD BURSARY:

A yearly donation of one hundred dollars (\$100) shall be given to the University of Prince Edward Island, and a yearly donation of one hundred dollars (\$100) shall be given to Holland College in support of the Donalda MacDonald Bursary.

APPENDIX "A"**RULES AND ORDER OF BUSINESS**

The rules and order of business governing Conventions shall be:

- A.1 The President, or in his/her absence or at his/her request, the Vice- President shall take the chair at the time specified, at all regular and special Conventions. In the absence of both the President and the Vice-President, a Chair shall be chosen by the Executive Board.
- A.2 No question of a sectarian character shall be discussed.
- A.3 A delegate wishing to speak shall proceed to one of the microphones provided for that purpose. When recognized by the Chair, the delegate will state his/her name and the Organization she/he represents and shall confine all remarks to the question at issue.
- A.4 Speeches shall be limited to five (5) minutes except in moving a motion when the delegate shall be allowed ten (10) minutes.
- A.5 A delegate shall not speak more than once upon a subject until all who wish to speak have had an opportunity to do so.
- A.6 A delegate shall not interrupt another except it be to call to a point of order.
- A.7 When called to order, a delegate shall, at the request of the Chair take his seat until the question of order has been decided.
- A.8 Should a delegate persist in unparliamentary conduct, the Chair will be compelled to name that delegate and submit such conduct to the judgement of the Convention. In such cases, the delegate whose conduct is in question should explain and then withdraw, and the Convention will determine what course to pursue in the matter.
- A.9 When a question is put, the Chair after announcing the question shall ask: "Are you ready for the question?" If no delegate wishes to speak, the question shall be put.
- A.10 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 (2/3) of the delegates present. In a roll call vote, each delegate shall be entitled to one (1) vote.
- A.11 Two (2) delegates may appeal the decision of the Chair. The Chairman shall then put the question thus: "Shall the decision of the Chair be sustained?" The question shall not be debatable except that the Chair may make an explanation of the decision.

- A.12 The Chair shall have the same rights as other delegates to vote on any question. In case of a tie vote, the Chair shall cast the deciding vote.
- A.13 When the previous question is moved, no discussion or amendment to 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.
- A.14 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 such as is acceptable to the Committee, but a motion to refer back to the Committee for reconsideration shall be in order.
- A.15 A delegate who has spoken to the question at issue shall not move a motion to refer back.
- A.16 A motion to refer back is not debatable and when properly seconded, the question shall be immediately put to the Convention.
- A.17 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.
- A.18 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 is negated, it cannot be renewed until after an intermediate proceeding.
- A.19 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 (2/3) of the delegates qualified to vote.
- A.20 The Executive Board is empowered to establish the hours of Convention.
- A.21 In all matters not regulated by these Rules of Order, Bourinot's Rules of Order shall govern.

APPENDIX "B"

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.

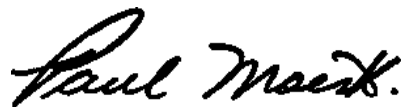
As unionists, mutual respect, cooperation and understanding are our goals. We should neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.

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, language 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 sisters and brothers deserve dignity, equality and respect.



PAUL MOIST
National President



CHARLES FLEURY
National Secretary-Treasurer

APPENDIX “C”**CODE OF CONDUCT**

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

CUPE is committed 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 convention, conferences, schools, meetings, and all other events organized by CUPE PEI. It is consistent with the expectations outlined in the Equality Statement and the CUPE PEI Constitution.

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

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

- Abide by the provisions of the Equality Statement.
- Respect the views of others, even when we disagree.
- Recognize and value individual differences.
- Communicate openly.
- Support and encourage each other.
- Make sure that we do not harass or discriminate against each other.
- Commit to not engaging in offensive comment or conduct.
- Make sure that we do not act in ways that are aggressive, bullying, or intimidating.
- Take responsibility for not engaging in inappropriate behaviour due to abuse 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 him/her 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 convention, conferences, schools, meetings, and all other events organized by CUPE PEI, a complaint shall be brought to the attention of an ombudsperson.
3. 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.
4. Once a complaint is received, the ombudsperson will work to seek a resolution.
5. 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.
6. At CUPE PEI 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.
7. If the person in charge is a party to the complaint, the director or designate shall assume that role.
8. In a case where a member has been expelled from an event, the CUPE PEI President shall receive a report on the matter.

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

CUPE National and CUPE PEI encourages all chartered organizations to develop and adopt a Code of Conduct based on this model, to apply to conventions, conferences, schools and meetings which they organize.