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CANADIAN UNION OF PUBLIC EMPLOYEES Manitoba

CONSTITUTION

Public Employees in the Province of Manitoba, Canada, are entitled to freedom of organization, full rights of collective bargaining, and economic security for themselves and their dependents. For the attainment of these objectives, all public employees organized into unions of their own choice, chartered by the Canadian Union of Public Employees, should be afforded the opportunity to unite into one central body, for their common benefit, to protect the good and welfare and the economic security of all their members. At a Provincial Convention assembled the 13th and 14th days of June, in the year 1959, in the City of Winnipeg, Province of Manitoba, a Constitution was adopted for the central provincial body of public employees.

ARTICLE I - NAME

This organization, which is a Provincial Division of the Canadian Union of Public Employees, shall be known as CUPE Manitoba.

ARTICLE II - OBJECTIVES

Section 1

This organization is formed to voice and promote the interests, needs and aspirations of member unions. CUPE Manitoba is organized to give the fullest opportunity for membership participation with the goal of economic and social security for public employees, their families and the betterment of all.

Section 2

CUPE Manitoba will achieve these goals through facilitating discussion, communication, political action, collective bargaining, membership education, and development of action plans and mobilization. It will co-operate with all recognized labour organizations, social action coalitions and other organizations with similar objectives. CUPE Manitoba will report to the members on the effectiveness of measures taken to achieve these goals at conventions and through regular communication between conventions.

Section 3

CUPE Manitoba stands unequivocally for equality of treatment regardless of race, creed, colour, gender or sexual orientation. It opposes discrimination and harassment in the workplace, the community, and within the Union. It will oppose behaviour that undermines the dignity or self-respect of any individual.

Section 4

CUPE Manitoba shall:

- a) urge the maximum participation of the locals in the Canadian Labour Congress, Provincial Federations and Labour Councils;
- b) promote such educational, social and other activities as may assist the affiliated local;
- c) encourage maximum participation by locals in the programs of CUPE;
- d) encourage the exchange of fraternal delegates to labour conventions and meetings having mutual interests;
- e) strive to secure the welfare of its members and cultivate feelings of friendship and good will among them.

ARTICLE III - MEMBERSHIP

All chartered Locals, District Councils and Councils of Unions of the Canadian Union of Public Employees are eligible for membership.

ARTICLE IV – CUPE Manitoba Executive

Section 1

The officers of CUPE Manitoba shall be:

1. President
2. 1st Vice-President
3. 2nd Vice-President
4. Secretary-Treasurer

Section 2

The Executive Board shall consist of the Officers, seven Area Executive Board members and a Young Member. The Executive Board shall conduct the business of CUPE Manitoba between conventions and carry out the business, as decided by the Annual Convention.

Section 3

Three (3) Trustees shall be elected to examine the books of CUPE Manitoba as set out under Article V, Section 3(c) of this Constitution. At each CUPE Manitoba Convention there shall be elected one (1) Trustee for a three (3) year period. In case of vacancies occurring, Trustees shall be elected to fill out the unexpired term in order to preserve overlapping terms of office.

Section 4

The Area Executive Board members and a Young Member shall be elected at area caucuses held during the Convention at a time designated by the Executive Board as follows:

Winnipeg - two members.

Brandon - one member.

Eastern/Interlake - one member. Bounded by the Ontario border on the east; Highway #1 on the south to the Winnipeg perimeter (Excluding the RM of East St. Paul and Middlechurch which shall be considered part of the Winnipeg Area); Highway#6 and the eastern shores of Lake Manitoba and Lake Winnipegosis on the west; 52nd Parallel on the north.

North - one member. Bounded by the Saskatchewan border on the west; the northern and eastern limits of Riding Mountain National Park and Provincial Road 261 on the south; the western shores of Lakes Manitoba and Winnipegosis on the east to the 52nd parallel, the 52nd parallel on the south, the Ontario border on the east and the North West Territories border on the north.

South Central - one member. Bounded by the Ontario border on the east; Highway #1 on the north to the Winnipeg perimeter highway; Highway #6 and the south and west shores of Lake Manitoba on the east; Provincial Road 261 on the north; Provincial Road 260 and Highway 34 south to Highway 2, east to Provincial Road 242, west to Provincial Road 245 and South on Highway 34 on the west; the United States border on the south.

Western - one member. Provincial Road 260 and Highway 34 south to Highway 2, east to Provincial Road 242, west to Provincial Road 245 and south on Highway 34 on the east; the United States border on the south; the Saskatchewan border on the west; the 51st parallel, the northern limit of Riding Mountain Park and Provincial Road 261 on the north.

Young Member – one member. Elected in the Young Members' Caucus at Convention

Section 5

Members of the Executive shall be elected from the attending delegates at each Annual Convention to hold office for the ensuing term.

Section 6

Executive members shall be entitled to attend conventions with full privileges of delegates until such time as their successors are elected, but they shall not be eligible for re-election unless they are duly accredited and credentialed delegates from their Locals.

Officers shall be deemed to be delegates to the convention with all rights and privileges.

Section 7

The term of office for the President, Vice-President, Recording Secretary, and Secretary-Treasurer shall be for a two (2) year period. Election of the President and Secretary-Treasurer shall take place at the Annual Convention in the year of the CUPE National Convention. The Vice-President and Recording Secretary shall be elected at the Annual Convention falling on the alternate year.

The term of office for the Young Member and Area Executive Board members shall be for a period of two (2) years. Elections of one (1) Winnipeg Area Executive member, Brandon Area Executive member, Northern Area Executive member and Western Area Executive member shall be held the same year as the Vice-President and Recording-Secretary. Elections of one (1) Winnipeg Area Executive member, the Eastern/Interlake Area Executive Member and the South Central Area Executive member shall be held the same year as the President and Secretary-Treasurer.

Section 8

Elections shall be in accordance with the provisions contained in the Constitution of the Canadian Union of Public Employees, Articles 11.4 to 11.6.

Section 9

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."

Section 10

Upon completion of the election, the newly elected officers and executive members shall come forward and take the following obligations:

"I (name), do most sincerely promise that I 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 this Union, 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 this union in my possession to my duly elected successor in office."

Section 11

The term of office of all elected members of the Executive Board shall commence immediately following the adjournment of the Convention.

Section 12

In the event that vacancy in the office of President occurs in between conventions due to death, resignation, or other cause, the position shall be filled by the Vice-President as provided for in Article V, Section 2. If the Vice-President is unable to fill the President's position for the entire remaining term, the Recording Secretary shall convene the Executive within the shortest possible time for the purpose of appointing a President from among the members of the Executive Board.

In the event that a vacancy occurs in any other position in between conventions, the Executive Board of CUPE Manitoba shall fill the vacancy by majority vote of all its members for the period of the unexpired term. Where regions are part of the consideration, all locals in the region affected shall be consulted as to a nomination for the vacant position. The Executive Board will then fill the position from the nominations received.

Section 13

The Executive meetings shall be called between annual conventions at the discretion of the Coordinating Committee and President. However, there shall not be less than four (4) meetings in any one (1) year, and where possible these meetings are to be held prior to the National Executive Board.

CUPE Manitoba Executive shall require the Chairperson (or their designate) of all Committees of CUPE Manitoba, to attend at least one (1) of the regularly scheduled CUPE Manitoba Executive meetings each year for the purpose of discussing committee concerns and the progress of the committees. Time and place shall be determined by the Executive. The chairperson of each committee must produce a written report to the Executive Board twice a year reporting on the activities of their committees.

ARTICLE V - DUTIES OF OFFICERS

Section 1 – President

The President shall:

- Work full time for CUPE Manitoba
- Preside at all meetings of CUPE Manitoba
- Sign all orders to be drawn on Treasury when authorized by the Executive
- Transact such other business as may of right appertain to their office
- Call meetings of the Executive as arranged at the Annual Convention and call such special meetings as they may deem necessary, or on the request of at least one-half of the Executive
- Appoint such committees as are not herein provided for
- See that other officers perform their duties strictly in accordance with the Constitution
- Attend meetings bi-monthly with the office staff and personal committee as required
- Have the option of attending all CUPE National Conventions if no credentialed from his own local

- The President shall be the delegate at the Canadian Union of Public Employees' Convention and, where possible, at any other convention. If the President is unable to attend National Convention, the delegate will be chosen by a majority vote of the Executive Board.

Section 2 – 1st Vice-President

The 1st Vice-President shall:

- Assist the President
- Perform such other duties as the Executive shall from time to time decide upon
- Shall convene and preside at all meetings at the request of, or in the absence of the President
- In case of vacancy in the office of the President by death, resignation or other cause, the Vice-President shall perform the duties of the President until a successor is appointed
- Chair all coordinating committees
- Be a member of the personnel committee
- Review the policies and constitution every two years along with the Treasurer

Section 3

a) 2nd Vice-President

The 2nd Vice-President shall be responsible for:

- Ensuring a correct and impartial record of all meetings, convention minutes and motions are documented.
- Chair the CUPE Manitoba Executive meetings at the request of, or in the absence of the President and 1st Vice-President.
- Assist the President
- Perform such other duties as the Executive shall from time to time decide upon.

b) Secretary-Treasurer

The Secretary Treasurer shall:

- Keep and maintain a correct record of all receipts and disbursements of CUPE Manitoba
- Produce at each Executive meeting and Annual Conventions, a financial statement
- Place per capita and other monies belonging to CUPE Manitoba in a credit union of chartered bank on the name of CUPE Manitoba
- Pay all bills authorized by the Executive by cheques co-signed by the President or Vice-President or Recording Secretary. Always 2 signatures per cheque
- Carry out the instruction of the Executive and with the approval of the President, direct and fix compensation for all office work and supplies necessary for the proper functioning of CUPE Manitoba's aim and policies. For such duties they shall from time to time receive such remuneration as set out in the budget each year
- Close all CUPE Manitoba accounts on December 31st of each year and all monies

received and disbursed after that shall not be reported in the general balance account to the convention.

- Have printed the financial statement as approved by the Trustees as a separate document for submission to the convention
- Be responsible for the payroll of the 2 office staff and maintaining the work records, source deductions and other related papers of employment
- Be a member of the personnel committee
- Review the Constitution and policies every 2 years along with the Vice-President
- Is responsible for the office of CUPE Manitoba to run effectively and efficiently and report any changes needed to the Executive Board
- Chair meetings in the absence of the Vice-President

c) Trustees

The Trustees shall examine the books and records of the Secretary-Treasurer and inspect and examine all properties, bonds and all other assets of CUPE Manitoba once a year and shall, in writing, report to the following executive meeting, the condition of the funds and accounts together with such other information they deem necessary to the efficient and honest administration of CUPE Manitoba. The Trustees shall submit a written report to the Annual Convention.

Section 4

The signing officers shall be bonded in an amount to be determined by CUPE Manitoba, through the Master Bond held by the National Office of CUPE.

Section 5

The Executive Board shall have the power to utilize the funds of CUPE Manitoba for furthering the aims, interests and the good and welfare of the members, comprising this organization. They will maintain close liaison with public employees' organizations in their various town, village, city, and generally inform such organizations of the plans and aims of CUPE Manitoba. They will present a written report to the Recording Secretary at each Executive meeting of all matters in their locality, which may affect the general welfare of the public employees throughout the province. They will attend all meetings of the Executive at whatever time and place they are called by the President/ Coordinating Committee.

ARTICLE VI - CONVENTIONS

Section 1

Conventions of CUPE Manitoba shall be held annually at a time and a place set by the Executive.

Section 2

The Executive shall appoint such Committees from among the delegates to the Convention as are

necessary to conduct the affairs of the Convention, and may request any such Committee to convene prior to the Convention. The term of office of such Committees shall expire at the adjournment of the Convention.

Section 3

At all conventions of CUPE Manitoba, representation from affiliated locals shall be:

Two (2) delegates for the first one hundred (100) members or less;

One (1) delegate for each additional one hundred (100) members up to 2500 members or fraction thereof; and

One (1) delegate for each additional five hundred (500) members or major fraction thereof.

As well, at all conventions of CUPE Manitoba representation:

For each District Council shall be one (1) delegate, and

For each Council of Unions one (1) delegate

Only these delegates will be entitled to vote on all business presented at the convention.

A quorum for the conducting of business at the Convention shall be one-third of the registered delegates.

Section 4

To be entitled to representation at convention, a local union shall have paid per capita tax on its total membership to the end of the quarter that ended 30 days prior to convention. This shall also include those persons paying dues on Rand Formula.

To be entitled to representation at convention, District Council's and Councils of Unions shall be paid up to date in their yearly membership fees.

Section 5

The President of CUPE Manitoba shall be the Regional Vice-President (RVP) for Manitoba on the National Executive Board of CUPE.

In the event that the President is filling the General Vice-President's position, at the CUPE Manitoba Convention immediately prior to the National Convention, the candidate for Regional Vice-President for Manitoba will be elected.

Section 6

In order to have the fullest participation at conventions, the Executive shall consider all applications for assistance from locals with a membership of fifty (50) or less, as defined in Article Two (2) of the Policies of CUPE Manitoba.

Section 7

Members possessing a retirement card shall be entitled to attend CUPE Manitoba conventions as guests registered by their local union.

Section 8

Employees of CUPE Manitoba are not eligible to be seated as delegates to its conventions, nor to hold elected office or Committee Chairperson positions but shall attend convention and conferences as working staff of CUPE Manitoba when required.

ARTICLE VII - RULES OF ORDER

All proceedings and debates shall be in accordance with Bourinot's Rules of Order.

ARTICLE VIII - REVENUE

Section 1

The revenue for CUPE Manitoba shall be derived as follows:

Effective January 1, 2006 each Local shall pay a quarterly per capita of .0325% of the average monthly wages of all members in the local.

The per capita tax to be paid no later than January 30th, April 30th, July 30th and October 30th of each year.

Each District Council shall pay a fee of twenty-five dollars (\$25.00) per year, payable on the first day of January of each year.

Section 2

Interest equal to the prime rate plus 2% shall be applied to per capita tax payments owing by Local Unions when such payments are in arrears in excess of 1 (one) quarter.

ARTICLE IX - EXPENSES

Section 1

Whenever any of the Officers or Executive Members are required, in the interests of CUPE Manitoba to attend any or all meetings, including conventions, they shall be compensated for:

1. Lost wages
2. Registration costs

3. Per Diem allowances
4. Travel expenses
5. Accommodations
6. Child Care Expenses

Section 2

Compensation for expenses are as per policies established by the CUPE Manitoba Executive Board.

Section 3

The Officers and Board Members shall be reimbursed only for the additional expenses incurred for the time necessary to attend Executive meetings prior to attending the Annual Convention unless they are not a duly credentialed or accredited delegate, then all expenses incurred by them shall be paid by CUPE Manitoba subject to Article IX (1 and 2) of this Constitution.

ARTICLE X - OUT OF POCKET EXPENSES

The 1st Vice-President, 2nd Vice-President, and Secretary-Treasurer be paid \$50 per month for out-of-pocket expenses.

ARTICLE XI - CONSTITUTION

- a) This Constitution, once adopted, shall not be altered, amended or revised, except at the Annual Convention, and then only when a notice to alter, amend or revise the Constitution has been forwarded to the CUPE Manitoba office at least thirty (30) days prior to the Annual Convention. When such notice of motion has been duly presented, the Constitution may be altered, amended or revised by a two-thirds (2/3) majority vote of the accredited delegates attending the Convention.
- b) Once a Committee of CUPE Manitoba adopts its terms of reference, by-laws or constitution they shall not be altered, amended or revised except at an annual meeting or conference, and then only when a notice to alter, amend or revise the terms of reference, by-laws or constitution has been forwarded to the Recording Secretary at least thirty (30) days prior to the annual meeting or conference. When such notice of motion has been duly presented and communicated to all locals prior to the annual conference, the constitution, by-laws or terms of reference may be altered, amended or revised by a two-thirds (2/3) majority vote of the accredited delegates or members attending the conference or meeting.

All amendments must be approved by the Executive of CUPE Manitoba. All sector committee amendments will also be forwarded to the National President for approval in accordance with the National Constitution.

ARTICLE XII - COMMITTEES

CUPE Manitoba Committees shall be governed by the CUPE Manitoba Constitution and its Policies, as set out at the convention.

The Standing Committees of CUPE Manitoba are:

1. Human Rights Committee
2. Health and Safety Committee
3. Contracting-Out and Political Action Committee
4. Public Relations Committee
5. Municipal Steering Committee
6. School Division Sector Committee
7. Provincial Health Care Council
8. Education Committee
9. Social Services and Child Care Committee
10. Global Justice Committee
11. Pediatric Oncology Committee
12. Young Members Committee
13. Private Personal Care Home Committee

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Approved by the CUPE Manitoba Membership April 2008
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