

FRAMEWORK FOR CAPE LOCAL BY-LAWS

CANADIAN ASSOCIATION OF PROFESSIONAL EMPLOYEES

PURPOSE

The purpose of this document is to provide members and Locals with the information to develop or revise their By-Laws which govern the establishment and the operation of CAPE Locals.

OBJECTIVE

There are two objectives for this framework:

To provide an adaptable framework that will meet Locals' needs and circumstances.

To ensure members in each Local are served in a fair, equitable, effective and democratic manner.

AUTHORITY

The CAPE Constitution provides authority for the establishment of Locals including the role and authority of local officials.

CAPE's By-Laws provide direction to the Locals on the roles and responsibilities of their Local Executives, Stewards and representatives.

The Locals' By-Laws provide authority for the roles and responsibilities of their Executive, Stewards and representatives.

EXCLUSION

Locals do not have the authority to make CAPE policy.

RULES OF ORDER

As allowed by the Constitution Locals may use Bourinot's rules of order for their meetings.

LOCALS

CAPE Locals are established wherever there are ten (10) or more regular or pending members who support formation of a Local. This Framework and CAPE's Constitution and By-Laws provide for the structure, roles and responsibilities of Locals.

The new Local application is submitted for approval to the National Executive Committee (NEC).

TRANSITION PERIOD

This section provides the authority to the Local Executive to restructure their By-Laws, if required, to meet the new policy. This section recognizes that:

- a) organizational changes are normally approved at a Local's AGM; and
- b) locals must be provided with a transitional period to meet the provision of the new policy.

Locals are requested to complete any required changes by June 30, 2009.

STRUCTURE

Locals Form part of the Canadian Association of Professional Employees (CAPE).

Locals are encouraged to define the following positions in their By-Laws.

Locals with a small membership or those Locals whose expenses are paid by the national office may combine the position of Secretary and Treasurer or may omit the position of Treasurer.

Executive	Means the Local's Executive Committee unless otherwise defined.
President	Means the Local President unless otherwise defined
Vice-President	Means the Local Vice-President unless otherwise defined
Secretary	Means the Local Secretary unless otherwise defined
Treasurer	Means the Local Treasurer unless otherwise defined
Stewards/ Directors	Means the Local's Stewards or Directors unless otherwise defined
Member	Means a member in good standing who qualifies as a member under the CAPE Constitution and who pays membership dues to CAPE except for any member excluded from paying dues as per their collective agreement.

1.0 OATH OF OFFICE

- 1.1 “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 CAPE’s Constitution and By-Laws and the Local’s By-Laws and, as an officer of this Local, will at all times endeavor, both by counsel and example, to promote the harmony and preserve the dignity of its sessions. I further promise, that I will not, except in the discharge of my duties, disclose or make known to any person matters of a confidential nature that come to my knowledge by reason of my office and that I will, at the close of my official term, promptly deliver all monies, books, papers, or other property of this Local in my possession, to my duly elected successor in office.”

2.0 NAMING THE LOCAL

- 2.1 The Local name shall start with CAPE followed by the name of the Department, Agency, Province, Region, or City which the Local serves, followed by “Local” and the assigned by the national office number for the Local.

Examples: CAPE Statistics Canada Local 503; or
CAPE Nova Scotia Local 201; or
CAPE Translation Bureau # 900

3.0 MANDATE & RESPONSIBILITIES

Membership

The Local Executive shall:

- 3.1 Defend its member’s rights and interests through organization, advocacy, and consultation on behalf of its members.
- 3.2 Serve as a link between the members at the Local level, the National Office and the National Executive Committee.
- 3.3 Inform and be informed of matters of concern and of interest to members in the workplace.
- 3.4 Inform members about the Association and its activities
- 3.5 Work closely with the Labour Relations Officer (LRO’s) to assist members for whom the LRO is providing representation.
- 3.6 Assist in the promotion of the Association’s policies and programs.

- 3.7 Aid in recruiting Rand members; and
- 3.8 Endeavour to develop a team atmosphere in the workplace.

Union-Management

The Local Executive will:

- 3.9 Represent members at Union-Management consultation meetings and present CAPE's positions on employer's policies.
- 3.10 Provides a conduit for information between local management and the Association and between members and management.
- 3.11 Consult with the employer on issues of Local concern.
- 3.12 Contribute to a mutually positive working relationship with management; and
- 3.13 Support effective labour-management communications.

National Support

The National Office will:

- 3.14 Provide advice, information and support to local officials.

4.0 LOCAL MEMBERSHIP

- 4.1 Members are currently employed in the following types of Locals.
 - a) Within the National Capital Region, Locals are established in departments or agencies and there is normally one Local within a department or agency. Membership shall be comprised of members in good standing employed by the specific Department or Agency.
 - b) Outside the National Capital Region, members are grouped into regional Locals that have jurisdiction over all CAPE members in a defined region. Membership shall be comprised of members in good standing employed within the defined region;

- c) CAPE members working for CAPE's Translation Bureau Local 900 constitute a separate Local which functions on a national level. Membership shall be comprised of all members in good standing employed within the Translation Bureau.
- 4.2 A Local's membership list, either in printed or electronic form, shall be provided to the Local's President or their delegate upon request.
- 4.3 A Local Executive must ensure they use membership lists in accordance with his or her responsibility as a CAPE officer and it cannot be used for any other purpose.
- 4.4 Each member in good standing of the Local has the right to:
- a) Nominate and vote and express opinions on all subjects before the Local;
 - b) Attend all general membership meetings, special meetings and the Annual General Meeting and express their opinion on all business before the meeting; and
 - c) Participate in activities of the local in a responsible manner.

5.0 **GOVERNANCE STRUCTURE**

5.1 **Executive**

- a) All Locals shall have a President.
- b) The Executive may consist of a Vice-President(s), Secretary, Treasurer, Stewards and / or Directors.
- c) The number of positions created on the Local Executive may vary and should reflect the requirements of the membership of the Local. For example, some Locals also have directors.
- d) Locals may choose to have Directors or representatives on various bodies who are elected by the Locals and form part of the Local Executive.

5.2 **President**

- a) The President or its delegate shall; be the spokesperson for the Local, chair Local meetings, attend regional and national meetings, and perform other duties as determined by the Local.
- b) The President, when not available to attend meetings, shall delegate another Executive member to attend meetings and act on behalf of the Local.
- c) The President shall be responsible to the membership and to the NEC for conduct and operation of the Local.

5.3 **Vice-President** - shall act in the absence of the President and perform such other duties as may be assigned by the Local President or the Local Executive.

5.4 **Secretary** – shall record, prepare and distribute minutes of meetings, correspondences and other documents to members on behalf of the Executive. The Secretary may perform other functions, such as calling meetings, as directed by the President or the Executive.

5.5 **Treasurer** - shall be responsible for the finances of the Local. This includes requesting the annual rebate (where the Local has adopted this option), opening and maintaining a bank account, and preparing and providing financial statements to the members and the national office as specified by CAPE's By-Laws.

The following is a general list of duties which the Local may assign the Treasurer. Locals are encouraged to modify the list to meet their needs.

- a) Provide a financial report to the Executive or membership as requested by the Executive
- b) Locals must establish rules for managing their financial operations. The Local may issues cheques signed by any two (2) of the following: President, Vice-President, and Treasurer. The President shall be advised monthly of all cheques written.
- c) Locals may delegate the Treasurer to act in absence of the President and Vice-President.
- d) The Local's fiscal year is deemed to be May 1 to April 30.

5.6 Stewards or Directors

- a) Shall serve as contacts in units within the workplace and are recognized by the employer as the Local's official representatives of the Association.
- b) Shall carry out functions delegated to them by the President or the Executive. For example, a director may be delegated to represent the Local on Union-Management Committees such as the Occupational, Health and Safety Committees.

Stewards may be elected by the members of the Local or appointed by the NEC where there is no Local.

6.0 TRAINING OF LOCAL EXECUTIVE AND STEWARDS

All Local Executive members, Stewards and Officers are to either have attended or to attend steward training, provided by the national or local association. In the case of Occupational Health and Safety Committee representatives, the appointee will attend training provided by management.

7.0 ELECTIONS OF EXECUTIVE MEMBERS

- 7.1 The Executive shall be elected at the Local's Annual General Meeting or within a reasonable timeframe needed to conduct a mail-in ballot or electronic voting process. Locals may conduct an in-person election at their AGM, while larger or more geographically dispersed Locals may choose to utilize a combination of in-person, mail-in ballots or an electronic voting option.
- 7.2 The Local will establish the term of office for their Executive. Where no term of office is specified, the term of office is deemed be one (1) year.
- 7.3 Any member of the Local in good standing has the right to run for office.
- 7.4 The elections process must be fair, open and democratic

8.0 POWERS OF THE EXECUTIVE

- 8.1 The Executive shall have the power to fill a temporary vacancy on the Executive by appointment. The person so appointed will serve until the Local's next AGM.
- 8.2 The Executive shall have the power to request the resignation of a member found to violate any offence identified in the Locals By-Laws.
- 8.3 The Executive shall have the power to call a Special Local General Meeting.

9.0 MEETINGS

- 9.1 The Local shall have the right to invite: the National President, Vice-President of their group (EC or TR), a member of the National Executive Committee, the Executive Director, the Director of Labour Relations, or other invited guests of their choosing to address their AGM.
- 9.2 All Locals shall have an Annual General Meeting (AGM).
- 9.3 Members will be given at least fourteen (14) calendar days notice of the time, place, and date for the AGM.
- 9.4 Locals are encouraged to hold one (1) meeting in addition to the AGM per calendar year.
- 9.5 A special meeting may be called by the Local President or by a majority of the Executive.
- 9.6.1 A written request to hold a Special Local meeting, signed by 50% plus 1 of the registered membership, or 50 members where a Local is larger than 200 members will result in a meeting being called by the Executive Committee.
- 9.7 Local Executives are encouraged to hold at least four (4) regular meetings a year or may hold more frequent meetings if necessary.
- 9.8 Motions shall be approved by a simple majority of members voting in the manner as defined by the Local.
- 9.9 The transaction of business at all Local meetings could proceed in the following order:
- 1 Call the meeting to order and approve the agenda
 - 2 Read and approve minutes of the last meeting
 - 3 Report from the Local Executive
 - 4 Unfinished business from any previous meeting
 - 5 Reports from Local Committees (Standing and or Special)
 - 6 Reports from delegates
 - 7 New Business
 - 8 Adjournment and details of the next meeting.

10.0 QUORUM

In establishing any decision-making body, the Local Executive and Members should consider its potential composition and establish a quorum of members required for legitimate and representative decision-making.

For example, if the AGM is proposed as a decision making body then the Local's By-Laws should include a quorum for AGMs.

As CAPE Locals range in size from 10 members to over 2,000 members, larger Locals may need to explore voting options which will allow those not attending an AGM in person to vote on the Local's issues.

The Local's By-Laws should reflect this decision and explain how the alternatives to in-person voting will operate.

10.1 Local Meetings - Members

The quorum for a Local meeting shall be the number of members established by the Local which meets its requirements given the level of participation expected by the Local Executive.

The Local should review the quorum every three (3) to five (5) years to reflect any changes in the size of the Local.

10.2 Local Meetings Members - AGM

The quorum of Local Members for a decision-making Local AGM shall be:

- a) Minimum of 10 members for locals with 100 or less members;
- b) Minimum of 10% of members for locals with 101 to 799 members; and
- c) Minimum of 80 members for locals with over 800 members.

10.3 Local Meetings and Local AGM – Executive

The quorum for a Local Meeting or a Local's AGM may include a specific number of the Local's Executive members, but at a minimum should be 50% + 1 of the Local Executive.

11.0 OFFENCES AND DISCIPLINE

- 11.1 Any Local or Executive member may be temporarily suspended from Local membership or expelled from the Local Executive, the Steward contingent, and any or all other positions and/or affiliations with the local membership for “cause” by majority decision of the Local Executive Committee.
- 11.2 For the purposes of determining “cause”, the Local Executive Committee hereby adopts, but is not limited to, the provisions described in the National Constitution and/or the By-laws, particularly Articles 5. Therefore, “cause” may be determined by the Local Executive Committee itself and other activities as spelled out in CAPE’s By-Laws.
- 11.3 Any member disciplined by a Local has the right to appeal their suspension or expulsion to the National Executive Committee.

12.0 AMENDMENTS

- 12.1 A Local may amend its By-Laws by simple majority vote of the members at an AGM or at a Special Local Meeting. Members shall be given at least fourteen (14) calendar days notice of a motion to amend the Local’s By-Laws.

13.0 CONFLICT

- 13.1 Where Local By-Laws conflict with CAPE’s Constitution and By-Laws the latter shall prevail.

14.0 SERVICES PROVIDED BY THE NATIONAL OFFICE TO THE LOCAL

- Suggested at LLM, to come.

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16.0 LOCAL EXPENSES

In accordance with CAPE By-Laws, a Local may choose to receive an annual rebate to finance its activities or to have its expenses paid by CAPE.

Locals Receiving a Rebate

- 16.1 The rebate is paid out once a year at the written request of the Local to the National Office [could there be a specific time in the year, maybe at the beginning of the fiscal year, unless the local is set up during the year?].
- 16.2 Locals which receive rebates shall submit an annual financial report with receipts to the Association.

Locals Not Receiving a Rebate

- 16.3 Locals which choose not to receive annual rebates shall have their reasonable operating expenses paid by CAPE.
- 16.4 Locals must have secured approval from the President of CAPE for any planned expense of \$500.00 or more.
- 16.5 Locals that do not intend to request a rebate should submit to the Finance Committee, before the beginning of the budget preparation process, a summary of projected expenditures for the coming year. This would allow the Finance Committee to establish more reliable figures for the budget.

Travel By Local Members

- 16.6. Local members who are required to travel to attend either meetings of the Local or national meetings by right of their position on a national committee shall be reimbursed for salary and reasonable travel and living expenses pursuant to rates and terms established in the National Joint Council Travel Directives. This travel must be pre-approved by the President of CAPE.

17.0 REVIEW

- 17.1 This document will be reviewed by CAPE's Constitution and By-Law Committee three (3) years from the date of coming into force.