



**BY-LAWS
FOR LOCAL 42
OF THE
COMMUNICATIONS, ENERGY
AND
PAPERWORKERS
UNION
OF
CANADA**

BY-LAWS - LOCAL 42 - HAMILTON

ARTICLE I - NAME

This Local shall be known as Local 42, Communications, Energy and Paperworkers Union of Canada consisting of Craft & Services, Expertech & Bell Technical Solutions within the geographic jurisdiction of the Local.

ARTICLE II - JURISDICTION

Jurisdiction of this Local shall be the jurisdiction assigned by the Union and appearing on the face of the Local Charter.

ARTICLE III - OBJECTS

The objectives of Local 42 shall be to represent and serve the workers within its jurisdiction in accordance with the By-laws and Rules of the Local and the Constitution and Policies of the Union.

ARTICLE IV - LOCAL STRUCTURE

The structure of the Local shall consist of the following:

- (1) Membership
- (2) Executive Board
- (3) Officers
- (4) Committees
- (5) Stewards

ARTICLE V - MEMBERSHIP

Section 1 - Eligibility

Any person eligible for membership in the Communication, Energy, and Paperworkers Union of Canada as defined in Article 5 of this Local and the Union Constitution, if performing work within the Local's assigned jurisdiction, or if employed on a part-time or full-time basis by the Union, or if dismissed and grievance not yet resolved.

Section 2 - Application

Membership in the Local shall be obtained upon the approval of any Membership Committee authorized to accept or reject membership on behalf of the Local, subject to the right of the Local to overrule the decision of a Membership Committee.

Section 3 - Transfers

The transfers of membership from this Local to the jurisdiction of another Local and from another Local to the jurisdiction of this Local shall be made in accordance with Article 5 of the Union Constitution.

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ARTICLE VI - LOCAL DUES AND ASSESSMENTS

Section 1 - Local Dues

Each member of the Local shall pay dues in the amount determined by a majority of those voting on the question by secret ballot Referendum, or by majority secret ballot vote in a meeting where a quorum is present, if the question has been advertised on the Locals website ten (10) days in advance of the meeting or by notice mailed postage prepaid to each member at least ten (10) days in advance of the meeting. Membership dues may be changed by the foregoing procedures.

Section 2 - Local Special Assessments

The affairs of this Local may require a special assessment. That assessment will only be levied in the same manner as provided for changing Local dues. However, any special assessments levied shall be in compliance with Article 6 of the Union Constitution.

ARTICLE VII - GOVERNING AUTHORITY

Section 1 - Membership

The affairs of this Local shall be governed by its membership in accordance with the Constitution and Policies of the Union in the following manner:

- (a) Through action taken in membership meetings or by referendum of the membership.
- (b) Through actions and decisions of the Executive Board between membership meetings.
- (c) The action and decisions of the Executive Board and Officers of the Local between meetings may be overruled by the membership at the next Local meeting or by referendum.

Section 2 - Executive Board

The Local Executive Board shall consist of the following:

President, Vice President, Secretary, Treasurer, and three (3) Chief Steward Unit Chairs, one (1) from each Bargaining Unit.

ARTICLE VIII - LOCAL MEETINGS

Regular meetings of the Local shall be held a minimum of four (4) times each year on the 4th Thursday of each month. Special meetings may be called by a majority vote of the Local Officers, or by a petition signed by ten (10) members. Upon receipt of a proper petition the Local Officers shall call a special meeting to be held within ten (10) days.

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ARTICLE IX - LOCAL DELEGATES TO NATIONAL CONVENTION

- A. The President of the Local shall be Head of Delegation and the first delegate to all CEP, CLC, and Affiliated or subsidiary body conventions. Other delegates shall be elected by secret ballot at a

membership meeting after notice given at the previous membership meeting.

- B. In the event the Local is entitled to more than one delegate to the Union Convention, the Local Executive Board shall determine the number of delegates to attend the convention in accordance with Article 8 of the Union Constitution.
- C. It shall be the duty of the Secretary of the Local to certify the Local delegates to the Union Convention to the Secretary-Treasurer of the Union Constitution.

ARTICLE X - LOCAL COMMITTEES

A. The Local may have the following regular Committees:

- 1. Education Committee
- 2. Election Committee
- 3. Organizing Committee
- 4. Legislative Committee
- 5. Membership Committee
- 6. Community Service Committee
- 7. Audit Committee

B. Members of all Committees shall be appointed by a majority vote of the Local Executive Board, subject to the right of the Local Membership to overrule such appointments at the next membership meeting. Committees shall have at least one representative of each bargaining unit.

C. Vacancies on Committees shall be filed in the same manner as the original appointment.

D. A member of any Local Committee may be removed by a majority vote of the Local Executive Board, subject to the right of the Local to overrule the action of the Local Executive Board at the next Membership Meeting. A Committee member may also be removed by action of the Local in a Membership Meeting.

E. Duties of Committees:

- 1. Membership Committee - The Membership Committee shall accept or reject Membership applications in accordance with the by-laws and rules of this Local and Article 5 of the CEP Constitution and Policies of the Union.
- 2. Legislative Committee - The Legislative Committee shall assist in developing and pursuing the program of the Union and the Local in the Legislative field.
- 3. Organizing Committee - The Organizing Committee shall assist the Local Officers and members in organizing all non-union employees within the Local's jurisdiction.
- 4. Election Committee - The Election Committee shall conduct all nominations and elections and referenda of this Local.
- 5. Education Committee - The Education Committee shall assist in developing the Local's educational program and with the Local Officers, be responsible for effectuating the Union's and Local's educational program
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- 6. Community Services - The Community Services Committee shall assist in developing all Community Services programs.
- 7. Audit Committee - The Audit Committee shall assist the Local Officers in auditing the accounts of the Local and making recommendations at Local Membership Meetings.

ARTICLE XI - ORDER OF BUSINESS

- A. The order of business at a Local Meeting shall be as follows:
1. Call to order
 2. Roll Call of Officers
 3. Reading and action on minutes of previous meeting
 4. Report of Officers
 5. Report of Committees
 6. Unfinished business
 7. New business
 8. Good and Welfare
 9. Adjournment
- B. The order of business may be suspended by a two-thirds (2/3) vote of the members present.

ARTICLE XII - LOCAL OFFICERS, STEWARDS, AND THEIR DUTIES

Section 1 - Local Officers, Business Manger(s) and/or Business Agent(s) and members of the Executive Board shall be elected at least every three (3) years and shall hold office until their successors are elected and installed.

- A. The Officers of the Local shall be:
1. Local President
 2. Local Vice President
 3. Local Secretary
 4. Local Treasurer
 5. Chief Steward / Unit Chair - one (1) from Bell, one (1) from Expertech, one (1) from Bell Technical Solutions
- B. The duties of Local Officers shall be as follows:
1. The Local President shall -
 - (a) Be responsible for the conduct of all Local business;
 - (b) Preside at Local Membership and Local Executive Board Meetings;
 - (c) Prosecute grievances and appeal them to higher levels of the Union when not satisfactorily settled;
 - (d) Supervise all Local Committees;
 - (e) Approve all bills to be paid, and countersign cheques drawn on the Local Treasury;
 - (f) Be the official spokesperson of the Local;
 - (g) Perform whatever additional duties may be assigned by the Local or required by the policies or constitution of the Union.
 2. The Local Vice President shall -
 - (h) Work under the direction of the Local President; and
 - (i) Perform whatever duties may be assigned by the Local, the Local Executive Board, or the Local President
 - (j) The Vice President of the Local, shall also undertake any duties of the President in his absence.

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3. The Local Secretary shall -
 - (k) Maintain a record of the Local Membership;
 - (l) Record and maintain the minutes of all meetings of the Local and the Local Executive Board;
 - (m) Furnish the Vice-President and Secretary-Treasurer of the National Union with copies of any changes in these by-laws within ten (10) days after such changes are made; and

- (n) Perform such other duties as may be assigned by the Local, the Local Executive board, or Local President.
4. The Local Treasurer shall -
- i. Be custodian of all assets of the Local;
 - ii. Report to each Membership Meeting on the financial status of the Local;
 - iii. Be bonded, as must any other person who handles Local funds or other property in accordance with the Union Constitution or any law;
 - iv. Cause the payment of all bills approved by the Local Presidents; and
 - v. Perform such other duties as may be assigned by the Local, the Local Executive Board or the Local President.

Section 2 - The Chief Stewards shall:

- (a) Familiarize all stewards with the provisions of the appropriate collective bargaining agreement and thoroughly investigate all grievances;
- (b) Be a member of the Local Executive Board;
- (c) Chair their Local Grievance Committee;
- (d) Perform such other duties as may be assigned by the President or Local Executive Board.

Section 3 - Local Stewards

- A. Stewards shall be elected by the group of members they will represent, as per the Collective Agreements, however where the members fail to elect a Steward the Local President may appoint one, subject to the right of the Local Membership to overrule such appointment.
- B. The duties of Local Stewards shall be as follows;
 - (a) To become familiar with all the provisions of the Collective Agreement with the Company and thoroughly investigate all grievances coming within his jurisdiction;
 - (b) To be completely familiar with the grievance procedure;
 - (c) To receive complaints and grievances from the members and make every effort in conformity with the grievance machinery to satisfactorily adjust and settle all grievances;
 - (d) To refer all grievances that have not been satisfactorily adjusted in the first step to the Chief Steward, or to the President of the Local if the grievance arises in a location where there is no Chief Steward;
 - (e) To report all grievances settled satisfactorily to the Local.
 - (f) To instruct the Substitute Steward in his duties;
 - (g) To turn over all papers, documents, funds or other property at the conclusion of the term of office to the Local or to his successor in office and obtain a receipt therefore;
 - (h) To carry out such other duties as may be prescribed from time to time by the Local.

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Section 4 - Local Substitute Stewards

- (a) Substitute Stewards shall be elected or appointed in the same manner as Stewards.
- (b) The duties of a Substitute Steward shall be as follows:
 - i. To become familiar with the duties of a Steward and act as Steward in the Temporary absence of the Steward.

Section 5 - Stewards and Substitute Stewards shall;

Be elected or appointed as provided in Section 3 and 4 for a period of two years in November of each even numbered year.

When a vacancy occurs in the position of Steward or Substitute Steward, a successor shall be immediately elected or appointed as provided in Section 3 and 4.

Section 6 - Any Steward or Officer,

Who accepts a temporary management position, shall immediately resign their position, and may not be elected or appointed to either position for a minimum of one year, unless voted on by the membership at a general meeting.

ARTICLE XIII - CONDUCT OF MEETINGS, OTHER LOCAL BUSINESS AND QUORUM

- A. Membership meetings and any other business of this Local shall be conducted under these by-laws and rules of the Local and in conformity with the Union Constitution. On questions where the Local by-laws, the Local rules or the Union Constitution do not clearly apply, Bourinot's Rules of Order shall govern.
- B. The number constituting a quorum for Local Meetings shall be eight (8) members.
- C. A majority of the officers or majority of the members of a committee shall constitute a quorum for those bodies.
- D. On questions pertaining to a particular bargaining unit, only those members of that bargaining unit may vote on the issue. Bargaining Caucus delegates shall be elected by their respective Bargaining Unit.

ARTICLE XIV - NOMINATIONS AND ELECTIONS

Section 1 - Nominations

Local Officers shall be nominated in the month of October of the election year, as per the Constitution of the Union.

Section 2 - Elections

Election of Local Officers shall be by mailed ballot of the membership in the month of November of the Election year, as per the Constitution of the Union.

Section 3 - Local Election Committee

- A. The nomination and election of Local Officers and delegates to the CEP Convention and Bargaining Caucus shall be conducted under the supervision of the Election Committee. This Committee shall have the authority and responsibility to see that nominations and elections are conducted in accordance with The Union Constitution, and these by-laws, with reasonable opportunity for each member to nominate and vote for the candidate of their choice.

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- B. The Election Committee shall also conduct any referenda submitted to the membership.
- C. A member shall not be permitted to serve on the Election Committee if they are a candidate in any election.
- D. All questions concerning the conduct and challenges of elections shall be determined by the Election Committee, subject to the right of appeal to governing board or membership of the Local.

Section 4 - General Provisions

- A. The nominee in any election receiving the majority of the votes cast shall be declared elected. If no one nominee has a majority on the first ballot, the vote shall be taken again and the two nominees having the greatest number of votes on the first ballot shall be nominees on the second ballot.
- B. Only members of the Local in good standing shall be eligible to vote or hold office.
- C. Proxy or write in votes will not be counted.
- D. The term of office shall be for three (3) years.
- E. The officers shall take office on January first.

Section 5 - Vacancies

A vacancy in the office of Local President shall be filled by the Vice President on a temporary basis lasting no longer than four (4) months until an election for President can be conducted in accordance with Article 14 of the Union Constitution. Vacancies in other offices shall be filled in the same manner as that required for regular elections and within 60 days as required for regular elections as required by Article 14 of the Union Constitution.

ARTICLE XVI - CHARGES, TRIALS AND APPEALS

Section 1 - Charges

- A. Members of this Local may be fined, suspended or expelled, in the manner provided in these by-laws, for any of the acts enumerated in Article 17 of the Union Constitution.
- B. Members performing acting or temporary management work for the employer after the collective agreement has expired, may also be fined, suspended or expelled.

Section 2 - Trials

Any accused member, including Officers, of the Local shall be tried under the provisions of Article 17 of the Union Constitution.

Section 3 - Appeals

A member or Officer of this Local, upon being found guilty by a Disciplinary Committee, may appeal as provided in Article 17 of the Union Constitution.

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Section 4 - Disciplinary Committee

A Disciplinary Committee of this Local shall be composed of three (3) persons, who are members of this Local and not parties to the proceedings, and who shall be selected by the President of the Local. In the President's absence, inability to act or in a case of conflict of interest, the person designated by the Local Union Executive Board shall appoint the disciplinary committee.

(Note: If the Local does not have an Executive Board or other governing body, then the members of a trial court must be selected by the membership.)

ARTICLE XVII - AMENDMENTS TO LOCAL BY-LAWS

After adoption, these by-laws may be amended by either of the following methods:

- (a) Majority vote of the members present in a Local meeting, if the proposed amendment has been introduced at a previous membership meeting or has been advertised to the membership by use of the Local website or Canada Post postage prepaid at least 10 days in advance of the meeting; or
- (b) Referendum of the membership.

ARTICLE XVIII - REFERENDUM OF THE LOCAL

- A. The Local Election Committee shall submit any question to a referendum of the membership when directed to do so by action of a regular or special membership meeting.
- B. Questions submitted to referendum shall be determined by a majority vote of those voting on the question.
- C. Referendum of the Local will be initiated only after discussion at a Local Membership Meeting and a minimum 3 week period from date of mailing shall be allowed before the vote is counted.

ARTICLE XIX - FISCAL YEAR AND AUDIT

- A. The fiscal year of this Local shall be from January 1st of each year to and including December 31st of the same year.
- B. The financial records of this Local shall be audited once a year by an outside auditing firm or the Local shall have made quarterly audits of the financial records of the Local Union Trustees and/or other competent persons.

ARTICLE XX - OATH OF OFFICE

Each elected officer of the Local, after meeting other qualifications, shall be duly installed upon taking the following oath:

"I (give name) hereby accept the office of (name of office) of Local 42, Communications, Energy, and Paperworkers Union of Canada, with full knowledge of the responsibilities and duties of such office, promise to faithfully discharge my duties according to the by-laws and rules of the Local and the Constitution and policies of the Union. I further promise to give my successor in office all books and records in my possession. I shall at all times endeavor to serve my Local and the Union to the best of my ability."

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ARTICLE XXI - ADOPTION

These by-laws shall be adopted upon the approval of a majority of the members voting upon their adoption in the membership meeting called for that purpose.

ARTICLE XXII - PER DIEM EXPENSES

The Local shall reimburse any member of the Local for out of pocket expenses incurred on behalf of the Local while performing duties assigned by a motion of the Local Membership at a Local Meeting, in the absence of the Local President or a majority poll of the Local Executive in the absence of the Local President.

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