

**BYLAWS OF COMMUNICATIONS,  
ENERGY & PAPERWORKERS UNION OF  
CANADA (CEP)  
LOCAL 40-O**



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## **Article I- Name**

- I. This Local shall be known as Local 40-O, Communications, Energy & Paperworkers Union of Canada, hereafter referred to as CEP.

## **Article II- Jurisdiction**

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

## **Article III – Objects**

- I. The objects of Local 40-O, shall be to represent and serve the workers within its jurisdiction in accordance with the Bylaws and the Rules of the Local and the Constitution and policies of the Union.

## **Article IV- Local Structure**

- I. The structure of the Local shall consist of the following:
  - a. Membership
  - b. Executive Board
  - c. Officers
  - d. Chief Stewards
  - e. Stewards
  - f. Committees

## **Article V - Membership**

### **Section 1-Eligibility**

- i. Any person eligible for membership in the CEP, as defined in Article 5, of its Constitution, shall be eligible for membership in this Local, if the performing work within the Local's jurisdiction, or if employed on a part-time or full-time basis by the Union.

### **Section 2- Application**

- i. Membership in the Local shall be obtained after payment of the Local initiation fee of \$2.00 and upon the approval of the membership of the Local.

### **Section 3- Transfers**

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

## **Article VI – Local Dues and Assessments**

### **Section 1**

- i. Each member of the Local shall pay dues in the amount determined by a majority secret ballot vote in a meeting where a quorum is present, if the question has been advertised on bulletin boards at least seven (7) days in advance of the meeting or by noticed mailed, postage prepaid, to each member at least seven (7) days in advance of the meeting.
- ii. Membership dues may only be changed by the foregoing procedure.

### **Section2- Local Special Assessments**

- i. The membership of this local may levy a special assessment only in the same manner as provided for charging Local dues.
- ii. However, any special assessments levied shall be in compliance with Article 6 of the Union Constitution.

## **Article VII- Governing Authority**

### **Section 1- Membership**

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

### **Section 2 – Executive Board**

The Executive Board shall consist of the following:

1) President

2) Vice Presidents- one elected from each of the Bargaining units.

- i. Operator Services (OS)
- ii. Craft and Services ( CS)
- iii. Entourage Technical Solutions ( ETS)
- iv. Expertech Network Installation ( ENI)

- 3) Secretary
- 4) Treasurer
- 5) Chief Stewards
  - i) Operator Services (OS)
  - ii) Craft and Services (CS)
  - iii) Entourage Technical Solutions (ETS)
  - iv) Expertech Network Installation (ENI)

#### **Article VIII – Local Meetings**

- i) The minimum number of monthly Union meetings shall be 8.
- ii) Regular meetings of the Local may be held any month except in the months of July and August.
- iii) The Executive Board of the Local shall decide which night the monthly meetings will be held.
- iv) Any change will require a prior notice of two (2) weeks on the bulletin boards.
- v) Special meetings may be called by a majority vote of the Local Officers, or by a petition signed by twelve (12) members.
- vi) Upon the receipt of a proper petition the Local Offices shall call a special meeting to be held within ten (10) days.

#### **Article IX – Local Delegates to National Convention**

- i) The President of the Local shall be Head of Delegation and the first delegate to all CEP, CLC, and subsidiary body conventions.
- ii) The other delegates to Convention shall be the Vice-Presidents of the other Bargaining Units to the President.
- iii) The first delegate shall be the President.
- iv) The second delegate shall be the Vice-President from the next largest Bargaining Unit.
- v) The third delegate shall alternate between the other two (2) Bargaining Units.
- vi) The fourth Vice-President shall be an observer.

- vii) The Local may elect an alternate delegate for each of its assigned delegates who shall attend the Convention in the event the delegate is unable to attend.
- viii) 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 within the time limits specified in Article 8 of the Union Constitution.

#### **Article X – Local Committees**

- i) The Local may have the following regular committees:
  - 1) Health and Safety Committee
  - 2) Election Committee
  - 3) Education Committee
  - 4) Organizing Committee
  - 5) Legislative Committee
  - 6) Membership Committee
  - 7) Community Services Committee
- ii) 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.
- iii) Vacancies on committees shall be filled in the same manner as the original appointments.
- iv) A member of any Local Committee may be removed by a majority vote of the Executive Board, subject to the right of the Local to overrule the action of the Local Executive Board.
- v) A committee member may also be removed by the action of the Local in a membership meeting.
- vi) Duties of the Committees:
  - 1) Health and Safety Committee – The Health and Safety Committee shall be responsible for the health and safety issues of the Local and shall attend the regular meetings with Bell Canada as the Local's Health and Safety delegates.
  - 2) Election Committee – The Election Committee shall conduct all nominations and elections and referenda of this Local.

- 3) Education Committee – The Education Committee shall assist in developing the Local's education program and, with the Local Officers, be responsible for effectuating the Union's and the Local's educational programs.
- 4) Organizing Committee – The Organizing Committee shall assist the Local Officers and members in organizing all non-union employees within the Local's jurisdiction.
- 5) Legislative Committee – The Legislative Committee shall assist in developing and pursuing the program of the Union and the Local in the Legislative field.
- 6) Membership Committee – The Membership Committee shall accept or reject membership application in accordance with the Bylaws and rules of this Local and Article 5 of the CEP Constitution and policies of the Union.
- 7) Community Services Committee – The Community Services Committee shall assist in developing all Community Services programs.

#### **Article XI – Order of Business**

- i) 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 Committees
  - 6) Report of National by National Representative present
  - 7) Unfinished business
  - 8) New business and correspondence
  - 9) Adjournment
- ii) 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 – Officers of the Local shall be:**

- 1) Local President
- 2) Local Vice-Presidents – one from each Bargaining Unit.
  - i) Operator Services (OS)
  - ii) Craft Services (CS)
  - iii) Entourage Technical Solutions (ETS)
  - iv) Expertech Network Installation (ENI)
- 3) Local Secretary
- 4) Local Treasurer
- 5) Local Chief Stewards
  - i) Operator Services (OS)
  - ii) Craft Services (CS)
  - iii) Entourage Technical Solutions (ETS)
  - iv) Expertech Network Installation (ENI)

### **Section 2 – Duties of the Local Officers shall be as follows:**

- i) The Local President shall –
  - a) Be responsible for the conduct of all Local business.
  - b) Preside at Local Membership, Local Executive Board, and Local Officers' 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 all 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.



- h) The President may assign the duties of office, in his or her absence to a Vice-President of one of the other Bargaining Units.
- ii) The Local Vice-President shall –
  - a) Work under the direction of the Local President.
  - b) Perform whatever duties may be assigned by the Local, the Local's Executive Board, or the Local President.
  - c) The Vice-President of one of the other Bargaining Units to the President shall assume the duties of the President in his or her absence.
- iii) The Local Secretary shall –
  - a) Maintain a record of the Local membership.
  - b) Record and maintain the minutes of all meetings of the Local, the Local Executive Board, or the Local Officers'.
  - c) Furnish the Vice-President and the Secretary-Treasurer of the Union with copies of any changes in these Bylaws within ten (10) days after such changes are made.
  - d) Perform such other duties as may be assigned by the Local, the Local Executive Board, or the Local President.
- iv) The Local Treasurer shall –
  - a) Be custodian of all assets of the Local.
  - b) Report to each membership meeting on the financial status of the Local.
  - c) Be bonded, as must any other person who handles Local funds or other property in accordance with the Union Constitution or any law.
  - d) Cause the payment of all bills approved by the Local President.
  - e) Perform such other duties as may be assigned by the Local, the Local Executive Board or the Local President.
- v) The Local Chief Stewards shall –
  - a) Represent the Local in their area.
  - b) Work under the direction of the Local President.
  - c) Perform whatever duties as may be assigned by the Local and the Local Executive Board or the President of the Local.

- d) Assist the President and the Local Executive Board in carrying out the policies of the Local in their respective area.
- e) Attend Local Executive Board meetings.
- f) Hold Stewards' meetings and act as Chairperson when such meetings are deemed necessary.
- g) Grievance processing.
- h) Make certain that completed grievances are processed properly.
- i) Make certain that all necessary notes and documentation regarding grievances are forwarded to the National for further processing.

### Section 3 – Local Stewards

- i) There shall be as many Stewards as the Local deems necessary or as the Local is capable of having under the terms of the Collective Agreement. Stewards shall be elected by the group of members they will represent, 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.
- ii) The duties of the Local Stewards shall be as follows:
  - a) To become familiar with all the provisions of the Collective Agreement and thoroughly investigate all grievances coming within his or her jurisdiction.
  - b) To completely be familiar with the grievance procedure.
  - c) To receive complaints and grievances from 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 two stages to the Chief Steward, or the Local President if the grievance arises in a location where there is no Chief Steward.
  - e) To report all grievances settled satisfactorily to the Local and to the National.
  - f) To instruct the Alternate Steward in his or her duties.
  - g) To turn over all papers, documents, funds and other property at the conclusion of the term of office to the Local or to his or her successor in office and obtain a receipt thereof.
  - h) To carry out such other duties as may be prescribed from time to time by the Local.

#### Section 4 – Local Alternate Stewards

- i) There shall be as many Alternate Stewards as the Local deems necessary, or as the Collective Agreement will allow.
- ii) Alternate Stewards shall be elected or appointed in the same manner as Stewards.
- iii) The duties of the Alternate Stewards shall be as follows:
  - a) To become familiar with the duties of Steward and act as Steward in the temporary absence of the Steward.

#### Section 5 – Term of Office

- i) Stewards and Alternate Stewards shall be elected or appointed as provided in Sections 3 and 4 for a period of two (2) years in January of each odd-numbered year.
- ii) When a vacancy occurs in the position of Steward or Alternate Steward a successor shall be immediately elected or appointed as provided for in Sections 3 and 4.

#### Article XIII – Conduct of Meetings, other Local Business and Quorum

- i) Membership meetings and any other business of this Local shall be conducted under these Bylaws and rules of the Local and in conformity with the Union Constitution.
- ii) On questions where the Local Bylaws, the Local rules or the Union Constitution do not apply, Bourinot's Rules of Order shall govern.
- iii) A majority of the Officers or a majority of the members of a Committee shall constitute a quorum for those bodies.
- iv) Any number of members present at a Local meeting may constitute a quorum, provided due notice of the meeting has been given the membership of the Local.
- v) "Due notice" shall mean a notice given at least seven (7) days prior to the meeting.
- vi) Where "due notice" is not provided a quorum of ten (10) members is required.
- vii) General Meeting to be smoke free.

## **Article XIV – Nomination and Election of Local Officers and Members of Governing Board**

### **Section 1 – Nominations**

- i) Local Officers and members of the Governing Board shall be nominated in the months of September, October, November or December of each even-numbered year.
- ii) The nomination of a person for the office of President and of Vice-President of the other Bargaining Units shall also constitute the nomination of these persons as delegates to the CEP Conventions held during the term of office for which the election is being conducted.

### **Section 2 – Elections**

- i) Election of Local Officers and Governing Board members shall be by secret ballot of the membership in the months of September, October, November or December of each even-numbered year.
- ii) Proxy voting for people who are scheduled to work during elections of Officers in Local 40 is allowed. Process to be determined by Election Committee.
- iii) Both Operator Services (OS) and Craft Services (CS) are allowed to vote for both Bargaining Caucus representatives.
- iv) Persons performing any of the executive functions of these offices cannot be appointed but must be selected by secret ballot among the membership.
- v) A vote cast for a candidate for the office of President and of Vice-Presidents of the other Bargaining Units shall also constitute a vote for such candidates to serve as delegates to CEP Conventions held during the term of office for which the election is being conducted.

### **Section 3 – Orders of Elections**

- i) President – elected by all eligible members of Local
- ii) Vice-Presidents – elected by eligible members of each of their own Bargaining Units of Local.
- iii) Treasurer – elected by all eligible members of Local.
- iv) Secretary – elected by all eligible members of Local.
- v) Chief Stewards – elected by eligible members of each of their own Bargaining Units of Local.

#### Section 4 – Local Election Committee

- i) The nomination and election of Local Officers, members of the Governing Board shall be conducted under the supervision of the Election Committee.
- ii) This Committee shall have the authority and responsibility to see that nominations and elections are conducted in accordance with the Union Constitution, and these Bylaws, with reasonable opportunity for each member to nominate and vote for the candidate of their choice.
- iii) A member shall not be permitted to serve on the Election Committee if he or she is a candidate for any office of the Local.
- iv) All questions concerning the conduct and challenges of elections shall be determined by the Election Committee, subject to the right of appeal to the Governing Board or membership of the Local.

#### Section 5 – General Provisions

- i) Only members of the Local in good standing shall be eligible to vote or hold office.
- ii) The term of office shall be for two (2) years.
- iii) The Officers shall take office on the 1<sup>st</sup> day of January of the odd-numbered year.
- iv) The nominee in any election receiving the majority of the votes cast shall be declared elected.
- v) If no nominee has a majority on the first ballot, the vote shall be taken again, and the two (2) nominees having the greatest number of votes on the first ballot shall be nominees on the second ballot.
- vi) A guide for the Local Election Committee in counting and reporting ballots cast:
  - a) All ballots cast, except blanks must be counted.
  - b) Blank ballots are simply ignored and are neither counted nor reported. If two (2) or more filled-out ballots are folded together, they are both rejected and reported as one (1) vote cast.

Example:

One hundred (100) ballot papers are found in the ballot box. Three (3) of them are blank; two (2) are filled out, but folded together, and one (1) is cast for a person who is ineligible to hold office; and ten (10) are cast for a “write-in” candidate. The ballots should be counted as follows:

Number of votes cast.....96 (a)

Number necessary to win.....49

Candidate A received.....49 (b)

Candidate B received.....35

Candidate C received (“write-in”).....10

--Illegal votes--

Two (2) ballots cast for Candidate A (or one (1) for A and one (1) for B), but folded together....1

One (1) ballot for ineligible person.....1

a) The three(3) blank papers are ignored, and the two (2) papers folded together are counted as a single vote cast, thus 96 votes were cast.

b) Since Candidate A received a majority of the votes cast he or she is elected.

#### Section 6 – Vacancies

- i) A vacancy in the office of the Local President shall be filled by as elected by the Local Executive.
- ii) Vacancies in all offices shall be filled in the same manner as that required for regular elections and within sixty (60) days as required by Article 12 of the Union Constitution.

#### Article XV – Strikes

- i) The calling, conduct and termination of strikes affecting this Local shall at all times be carried on in compliance with the rules prescribed by the Union and Article 15 of its Constitution.

## **Article XVI – Charges, Trials and Appeals**

### **Section 1 – Charges**

- i) Members of this Local may be fined, suspended or expelled in the manner provided in these Bylaws, for any of the acts enumerated in Article 16 of the Union Constitution.

### **Section 2 – Trials**

- i) Any accused member, including Officers, of this Local shall be tried under the provisions of Article 18 of the Union Constitution.

### **Section 3 – Appeals**

- i) A member or Officer of this Local, upon being found guilty by a Local trial court, may appeal as provided in Article 18 of the Union Constitution.

### **Section 4 – Local Trial Court**

- i) A trial court of this Local shall be composed of five (5) persons, who are members of this Local and not parties to the proceedings, and who shall be selected by the Executive Board of the Local. (NOTE: If the Local does not have an Executive Board or other governing body, then members of the trial court must be selected by the membership.)

## **Article XVII – Recall of Local Officers**

- i) Any elected officer of this Local may be recalled in accordance with the provisions of Articles 17 and 19 of the Union Constitution.

## **Article XVIII – Amendments to Local Bylaws**

- i) After adoption, these Bylaws may be amended by either of the following methods:
  - a) Majority vote of the members present at 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 bulletin board or mail, postage prepaid, at least seven (7) days in advance of the meeting; or
  - b) Referendum of the membership.

#### **Article XIX – Referendum of the Local**

- i) The Local Election Committee shall submit any questions to a referendum of the membership when directed to do so by action of a special membership meeting.
- ii) Questions submitted to referendum shall be determined by a majority vote of those voting on the question.

#### **Article XX – Fiscal Year and Audit**

- i) The fiscal year of this Local shall be from October 1<sup>st</sup> of each year to and including September 30<sup>th</sup> of the succeeding year.
- ii) The financial records of this Local shall be audited by a Certified Public Accountant, or by a Committee selected by the Local, at the end of each fiscal year. The results of such audit shall be made available for the inspection of any member of the Local.

#### **Article XXI – Oath of Office**

- i) Each elected officer of the Local, after meeting all other qualifications, shall be duly installed upon taking the following oath:  
  
“I (name) hereby accept the office of (name of office) of Local 40-O, CEP, with full knowledge of the responsibilities and duties of such office. I promise to faithfully discharge my duties according to the Bylaws 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.”

#### **Article XXII – Adoption**

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

Revised Bylaws adopted	22 January 1976
Revised Bylaws adopted	25 November 1979
Revised Bylaws adopted	23 June 1984
Revised Bylaws adopted	5 April 1994
Revised Bylaws adopted	17 June 1997



### **ADDENDUM NO. 1**

#### **Transportation, Accommodation, Parking and Per Diem while on Local Business:**

- i) The Local will pay transportation (economy class fare) costs of any Executive Board Member, Officer, Steward or member who is on authorized Local Business.
- ii) When a personal vehicle is used the Local will pay mileage at the rate of \$0.25 per kilometer. Parking will also be paid.
- iii) The Local will pay the full costs of accommodation for any member who is on authorized Local business that involves overnights.
- iv) The per diem paid by the Local for food and misc. expenses shall be as stated in the Craft and Services Collective Agreement.
- v) Travel costs for out-of-town members to attend Local membership meetings shall be \$10.00 per car providing two (2) or more passengers accompany the driver or that an exception is deemed reasonable and is acceptable to the Executive Board of this Local.

### **ADDENDUM NO.2**

#### **Daycare:**

- i) Daycare expenses of a maximum of \$10.00 per meeting shall be paid by this Local to any Executive Board member, Officer and Steward who require the services of a hired babysitter in order to attend either the Executive Board meetings or the General Membership Meetings.

### **ADDENDUM NO.3**

#### **Financial Aid Appeals:**

- i. Financial Appeal and Donation(s) shall be at a \$1.00 per member of Local 40-O to a maximum of \$200.00

#### **ADDENDUM NO.4**

##### **Per Diem and Mileage:**

- I. Per Diems and mileage payable by Local 40-O for approved expenses shall be set at the rate equal to the rate paid to the National Representatives. Any adjustments to their rates shall immediately take into effect.

#### **ADDENDUM NO.5**

##### **Meeting Times:**

- i. Start times for General Meetings shall be at 6:30 pm unless Special Circumstances and/ or provisions make such times unfeasible.