

Local 4098 Bylaws

Preamble - 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 persons deserve dignity, equality and respect.

SECTION E.1 – NAME

The name of this Local shall be: Local No. 4098 of the Air Canada Component of CUPE for all cabin personnel working for Air Canada Rouge.

SECTION E.2 – DUTIES and OBJECTIVES

E.2.1 The principal duties and objectives of the Local shall be to:

- (a) Work with the Component and other Locals within the Component to achieve the union's objectives contained in Section 2 ("Duties and Objectives") of the Component Bylaws;
-

- (b) Promptly settle disputes and Level I grievances which may arise between its members and the employer in accordance with procedures established within the Component;
- (c) Administer and enforce the collective agreement, in conjunction with the Component, in all other respects;
- (d) Regularly inform all Local members on the matters affecting the union, including Local activities to fulfill union objectives;
- (e) Establish and maintain Local Committees in accordance with these Bylaws;
- (f) Receive and administer the union dues received from the Component in accordance with Section 9 of the Component Bylaws;
- (g) Establish and approve a Local budget;
- (h) Pay, or cause to be paid, all properly substantiated expenses associated with the Local's activities;
- (i) Train and educate its union officers and members; and
- (j) Affiliate, on a voluntary basis and finances permitting, to labour councils, provincial federations of labour, CUPE district councils, CUPE provincial divisions and other labour bodies.

E.2.2 Locals may enact Local Bylaws as they deem necessary provided that such Bylaws are consistent with the Component Bylaws, and the CUPE Constitution. Local Bylaws shall be subject to the approval of the National President of CUPE before being applied.

SECTION E.3 - INTERPRETATION and DEFINITIONS

- E.3.1** Masculine pronouns shall be understood to include all genders.
 - E.3.2** The English and the French texts of these Bylaws shall have equal force.
 - E.3.3** The Canadian Union of Public Employees shall be referred to as "CUPE".
 - E.3.4** The Air Canada Component of CUPE shall be referred to as the "Component" and/or the "ACC".
 - E.3.5** The earnings of the "highest earner of the Local membership in that month" is defined as income earned from flying hours, training hours and regular
-

vacation only in the respective month. It shall include any premiums, duty period extension credits, ground duty claims and trip hour guarantees under LOU55 of the Collective Agreement.

For greater clarity, the earnings calculated shall exclude any profit sharing, bonuses, lumpsum payments, vacation backpay or reconciliation, timebank or backpay of any sort. Short term and long term special assignments are also excluded.

SECTION E.4 - MEMBERSHIP MEETINGS - Regular and Special

- E.4.1** Regular meetings (“general membership meetings”) of the Local may be called monthly, but in any event not less than quarterly with at least one in each base per year. A minimum notice of seven (7) days shall be given for all regular membership meetings.
- E.4.2** Special membership meetings may be ordered by the Local Executive or requested in writing by no fewer than 20% of the Local members. The President shall immediately call a special meeting when so ordered or requested and shall see that all members receive at least forty-eight (48) hours’ notice of the special meeting and the subject(s) to be discussed. No business shall be transacted at the special meeting other than that for which the meeting is called and notice given.
- E.4.3** A quorum for the transaction of business at any regular meeting or at any special membership meeting shall be 5 members of the Local (including at least two members of the local executive) in addition to the Chair, excluding the Chair.
- E.4.3.1** In the event that two (2) consecutive regularly scheduled general membership meetings and/or special membership meetings do not have sufficient quorum, then the Local Executive is empowered to deal with the necessary business of the local. Any decisions made by the Local Executive will be reported at the next membership meeting.
- E.4.4** The order of business at regular membership meetings is as follows:
1. Call the meeting to order
 2. Roll call of officers
 3. Reading of the equality statement
 4. Reading of the minutes
 5. Matters arising from the minutes
 6. President’s report
 7. Secretary-Treasurer’s report
 8. Committee reports
 9. Nominations/elections
-

- 10. Unfinished business
- 11. New business
- 12. Adjournment

E.4.5 Minutes read at a regular meeting will be the minutes from the last regular meeting held at that base.

SECTION E.5 - VOTING OF FUNDS

E.5.1 Except for ordinary expenses and bills as approved at membership meetings, no sum over fifty (\$50.00) dollars shall be spent for the purpose of a grant or contribution to a member or any cause outside CUPE, except by a notice of motion given in writing and dealt with at the following membership meeting.

E.5.2 In unforeseen situations, irregular office expenses may be incurred - without membership approval - up to a maximum of one thousand (\$1000) dollars for the purpose of repairing or replacing office equipment. This must then be reported at the next regular membership meeting.

SECTION E.6 – LOCAL OFFICERS AND LOCAL TRUSTEES

E.6.1 The officers of the Local shall be the Local President, Local Vice-President, Local Secretary-Treasurer, three (3) Trustees, and such additional Base Vice-Presidents as provided for by E.6.2 below:

E.6.2 There shall be a minimum of 2 Base Vice-Presidents at each base. Additional Vice Presidents shall be provided as follows:

Base Strength	Number of Vice-Presidents
0-500	2 (minimum)
501 - 750	3
751 – 1000	4
1001-1250	5

For Clarity, there shall be 1 additional Base Vice-President for every 250 members.

E.6.3 All Local Officers and Local Trustees shall be elected by the Local Membership under the direction of the Component Tabulating Committee in accordance with Appendix “C” of the Component Bylaws.

SECTION E.7 – LOCAL EXECUTIVE

- E.7.1** The Local Executive shall be comprised of all Local officers, except the Trustees.
- E.7.2** The Local Executive shall meet as often as required but at least 8 times per year, which may be by conference call.
- E.7.3** A majority of all the members of the Local Executive constitutes a quorum.
- E.7.4** Local Executive officers shall hold title to any real estate of the Local as trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first giving notice and then submitting the proposition to a membership meeting and having it approved.
- E.7.5** Should any Local Executive member fail to answer the roll call for three consecutive local membership meetings in their home base or four regular Local Executive meetings without having submitted good and sufficient reasons for those absences, their office shall be declared vacant and shall be filled by in accordance with these Bylaws.

SECTION E.8 - DUTIES OF OFFICERS

- E8.1** All Officers must give all properties, assets, funds and all records of the Local Union to their successors at the end of their term of office. All signing Officers of Local 4098 shall be bonded through the master bond held by CUPE National. Any Officer who cannot qualify for the bond shall be disqualified from having signing authority.
- E.8.2** The Local President shall:
- (a) Be responsible for the conduct of the affairs and business of the Local;
 - (b) Call and preside over all Local meetings, preserve order, enforce the CUPE Constitution and the Local Bylaws, have sole authority to interpret the Local Bylaws (subject to appeal to the National President of CUPE), and generally exercise supervision over all Local activities;
 - (c) Report on the administration of her/his office to membership meetings and Local Executive meetings;
 - (d) Be responsible for the appointment and functioning of all Local Committees, ensuring their duties are performed and shall appoint the Chairpersons of those Local committees;
-

- (e) The Local President shall designate an Acting President from among the Local Executive members to perform all duties of the President if the President is absent or incapacitated;
- (f) Assign members of the local as Committee Chairpersons and members as required
- (g) Be a member of all Local Committees ex-officio;
- (h) Be responsible for enforcing the provisions of the Collective Agreement and any rules or Letters of Understanding arising out of negotiations, including the filing of all necessary grievances at Level I;
- (i) Ensure that all members of the Local Executive perform their assigned duties;
- (j) Introduce new members and welcome them to the Local;
- (k) Sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, Bylaws, or vote of the Local membership;
- (l) Be responsible for the proper distribution of Union bulletins, publications, and notices to the membership;
- (m) Represent the Local as an automatic delegate to the CUPE National Convention and the ASD Conference;
- (n) Represent the Local at all Air Canada Component Executive Committee (hereinafter referred to as the "ACCEX") meetings or designate a Local Executive member to attend; and
- (o) In combination with any Company paid flight release, if on a full-time union executive release, receive a supplementary payment from the Union, in order to receive a total monthly pay of 130 hours or one dollar (\$1.00) more than the highest earner of the Local membership in that month.

E.8.3 The Local Vice-President shall:

- (a) If the President is absent or incapacitated, the Local Vice President will perform all duties of the President, according to established Local procedures;
 - (b) Perform such duties as may from time to time be assigned by the Local President and/or the Local Executive; and
-

- (c) In combination with any Company paid flight release, if on a full-time union executive release, receive a supplementary payment from the Union, in order to receive a total monthly pay of 125 hours or equal to the highest earner of the Local membership in that month.

E.8.4 The Local Secretary-Treasurer shall:

- (a) Keep full, accurate and impartial account of the proceedings of all regular or special membership and Local Executive meetings. These records must also include a copy of the full financial report (Local Executive meetings) and the written financial report (membership meetings) presented by the Secretary – Treasurer. The record will also include Trustees' reports.
 - (b) Record all alterations in the Local Bylaws;
 - (c) Make all books available for inspection by the Trustees and/or auditors on reasonable notice. Ensure that the books are audited at least once each calendar year and within a reasonable time, and respond in writing to any recommendations and concerns raised by the Trustees
 - (d) Preside over membership and Local Executive meetings in the absence of both the President and the Vice-President(s);
 - (e) Be responsible for supervision of the financial affairs of the Local;
 - (f) Be responsible for establishing and supervising proper accounting procedures in the receipt and disbursement of funds in accordance with the Local Bylaws;
 - (g) Prepare and submit to the Local Executive for discussion a budget of the anticipated revenue and expenses for the Local for the fiscal year. The Local Secretary-Treasurer shall submit this budget to the Local membership at a local membership meeting for approval no later than ninety (90) days after the start of the same fiscal year.
 - (h) Ensure quarterly financial statements are prepared and submitted to the Local Executive;
 - (i) Make a full financial report to meetings of the Local's Executive, as well as a written financial report to each regular membership meeting, detailing all income and expenditures for the period;
 - (j) Throughout his/her term, and on behalf of the Local Union membership, be responsible for maintaining, organizing, safeguarding and keeping on file all supporting documents, authorizations, invoices and/or vouchers for
-

every disbursement made, as well as records and supporting documents for all income received by the Local;

- (k) Have the books audited by the Local Trustees annually and forward such audit to the officers of the Local, the Component Secretary-Treasurer and CUPE;
- (l) Be bonded through the master bond held by the National Office, and any Secretary-Treasurer who cannot qualify for the bond shall be disqualified from office;
- (m) On termination of office, surrender all books, seals and other properties of the Local to his successor; and
- (n) In combination with any Company paid flight release, if on a full-time union executive release, receive a supplementary payment from the Union, in order to receive a total monthly pay of 125 hours or equal to the highest earner of the Local membership in that month.

E8.5 The Base Vice Presidents shall:

- (a) Perform such duties as may from time to time be assigned by the Local President and/or the Local Executive; and
- (b) In combination with any Company paid flight release, if on a full-time union executive release, receive a supplementary payment from the Union, in order to receive a total monthly pay of 125 hours or equal to the highest earner of the Local membership in that month.

E.8.6 The Local Trustees shall:

- (a) Act as an auditing committee on behalf of the members and audit the books and accounts of the Secretary-Treasurer, and the Local Committees, at least once every calendar year;
 - (b) Make a written report of their findings to the first membership meeting following the completion of each audit;
 - (c) Submit in writing to the Local President and Local Secretary-Treasurer any recommendations and/or concerns they feel should be reviewed in order to ensure that the Local Union's funds, records, and accounts are being maintained by the Local Secretary-Treasurer in an organized, correct and proper manner;
 - (d) Be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
-

- (e) Ensure that proper financial reports are made to the membership;
- (f) Inspect at least once a year any stocks, bonds, securities, office furniture and equipment, and titles or deeds to property that may at any time be owned by the Local, and report their findings to the Local Executive; and
- (g) Send a copy of the completed audit report (on the prescribed form provided by the CUPE National Secretary-Treasurer), as well as a copy of their report to the Local Union membership, a copy of their recommendations and/or concerns sent to the Local President and Local Secretary-Treasurer and the Local Secretary-Treasurer's response, to the CUPE National Secretary-Treasurer, with a copy to the assigned CUPE National Representative.

SECTION E.9 – EXPENSES

E.9.1 All Local paid flight releases and expenses must be authorized in advance by the Local President. The Local President can authorize expenditures in accordance with the Local budget as approved by the Local membership. Any expenses not included in the Local budget must be authorized by the Local membership before being incurred.

E.9.2 Pre-authorized expenses shall be paid as follows:

- (a) Meal allowances amounts shall be in accordance with the Collective Agreement.
- (b) Car allowance shall be paid in accordance with the Automobile Rates established by the Canada Revenue Agency (CRA), up to a maximum of five hundred dollars (\$500) monthly.

Public transportation expenses shall be reimbursed up to a maximum daily cap of forty dollars (\$40.00). For public transportation reimbursement only, a copy of the standard fee schedule may be accepted as substantiation.

- (c) Reasonable hotel, meeting and other expenses once properly substantiated.
 - (d) When on a full-time release, any parking expenses exceeding the cost of a monthly parking pass at the Local Executive member's base must be pre-approved by the Local President.
 - (e) Cell phone reimbursement shall apply only to the cost of the service plan and for those on a full-time union release. Receipts must be submitted for reimbursement.
-

- E.9.3** The Local shall only pay for flight release charges when the flight release has been requested by the Local President.
- E.9.4** Any expenses submitted more than 180 days after being incurred will no longer be considered for payment by the local.
- E.9.5** Receipts submitted to the local for reimbursement shall include:
- a) The name of the company or service provider
 - b) The date(s) that the service or goods were provided
 - c) The nature of the goods or services provided
 - d) Amount paid

SECTION E.10 – LOCAL OFFICER ELECTIONS

- E.10.1** The Local Elections shall be held under the direction of the Component Tabulating Committee in accordance with the Component Bylaws Appendix C, with the exception of the local trustees who shall be elected under the direction of the Component Tabulating Committee in accordance with overriding CUPE constitution timeline (B.2.4).
- E10.2** Base Vice Presidents shall follow the same election process as the Local Elections, as described in the Component Bylaws Appendix C .

SECTION E.11 – DELEGATES

Delegates to the ASD Conference and the CUPE Convention shall be elected in accordance with the Component Bylaws.

SECTION E.12 – COMMITTEES

- E.12.1** In accordance with Section E.8.1(d), the Local President shall make the following appointments (and fill vacancies as required) to the membership of the established Local Committees below:
- (a) PBS Committee:
 - Chairperson, and
 - Additional members as required.
 - (b) Local Health & Safety Committee:
 - Chairperson, and
 - Additional members as required.
-

- (c) Grievance Committee:
 - Chairperson, and
 - Additional members as required.
- (d) Hotel Committee:
 - Chairperson, and
 - Additional members as required.
- (e) Social Committee:
 - Chairperson, and
 - Additional members as required.

- E.12.2** Special ad hoc Local Committees may be established for a specified purpose and period by the Local President. The Local President shall appoint the Chairperson of any such Special ad hoc Local Committee and any additional members as required.
- E.12.3** Any Local member at any Local meeting may make a motion to establish a new Local Committee or a Special ad hoc Local Committee.
- E.12.4** The Local President shall appoint and remove Local Committee Chairpersons in accordance with the Local Bylaws. Local Committee Chairpersons and members shall be appointed for an initial term of no more than two (2) years commencing thirty (30) days following the start of the term. Local Committee Chairpersons and members may be reappointed to subsequent two (2) year terms.
- E.12.5** For each Local Committee, the Local President shall provide:
- (a) A specific mandate;
 - (b) A budget for the fiscal year for the Local Committee's activities;
 - (c) A method of regular reporting to the Local President; and
 - (d) A method of selection of additional committee members (if required).
- E.12.6** All Local paid flight releases and expenses for Local Committees must be authorized in advance by the Local President. The Local President can authorize expenditures in accordance with the Local budget as approved by the Local membership. Any expenses not included in the Local budget must be authorized by the Local membership before being incurred. Each Local Committee member shall be reimbursed for her/his expenses in accordance with Section E.9 of these Bylaws from the respective Local Committee
-

budget.

- E.12.7** Local Committee Chairpersons and members shall report to their Local President when carrying out assigned Local Committee responsibilities.

SECTION E.13 - RULES OF ORDER

- E.13.1** All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to the Component Bylaws as Appendix "A". These rules shall be considered as an integral part of the bylaws and may be amended only by the same procedure used to amend the bylaws. In situations not covered by Appendix "A" of the Component Bylaws, the CUPE Constitution may provide guidance, but, if the situation is not dealt with there, Bourinot's Rules of Order shall be consulted and applied. See Appendix "A" Component bylaws.

SECTION E.14 – AMENDMENT TO THE LOCAL BYLAWS

- E.14.1** These Bylaws are always subordinate to the CUPE Constitution as it now exists or may be amended from time to time, and in the event of any conflict between these Bylaws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President of CUPE.
- E.14.2** These Local Bylaws shall only be amended, added to, or suspended upon a majority vote of the Local membership at a duly called Local membership meeting. Any proposed change to the Local Bylaws shall be contained in the notice for the membership meeting. Notice of the intention to propose the amended or additional bylaws shall be given in accordance with the timelines established by the CUPE Constitution.
- E.14.3** No change in these Local Bylaws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President of CUPE.

SECTION E.15 – TRIALS

All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution
