

**CONSTITUTIONAL AMENDMENTS ADOPTED AT THE
2015 CUPE NATIONAL CONVENTION**

RES. NO.	AMENDMENT
Resolution No. C15	<p>CUPE NATIONAL WILL:</p> <p>1. Amend Article 14.2 to read:</p> <p><u>“Five per cent of any per capita tax will be placed in the National Defence Fund for cost-shared, national and major organizing campaigns. If the National Strike Fund falls below \$50 million, four per cent of any per capita tax will be placed in the National Defence Fund until the National Strike Fund reaches \$80 million. The National Executive Board will make regulations governing the National Defence Fund. The regulations must comply with decisions of Convention.”</u></p> <p>2. Amend Article 14.3 to read:</p> <p><u>“Five per cent of any per capita tax will be placed in the National Strike Fund for strike benefits, campaigns to avert strikes and interest arbitration costs for Local Unions not permitted by law to strike. If the National Strike Fund falls below \$50 million, six per cent of any per capita tax will be placed in the National Strike Fund until it reaches \$80 million. The National Executive Board will make regulations governing the National Strike Fund. The regulations must comply with decisions of Convention. No loan can be made from the National Strike Fund.”</u></p>
Resolution No. C23 (covers resolution 84)	<p>CUPE NATIONAL WILL:</p> <p>1. Amend Article B.11.2 (a) to read:</p> <p>“A member in good standing of the Union (the accuser) may charge a member or officer of the Local Union (the accused) with an offence by sending a written complaint to the Recording Secretary of the Local Union. The complaint will set out:</p> <p>(i) the act or conduct complained about. The charges shall be sufficiently specific so as to enable the accused to prepare a defence; and</p> <p>(ii) which parts of Article B.11.1 have been violated.</p> <p>The complaint will be sent within 90 days after the accuser became aware of the offence.”</p>
Resolution No. C24	<p>CUPE NATIONAL WILL:</p> <p>1. Amend Article B.11.2 (b) to read:</p> <p>“The Recording Secretary will countersign the complaint and deliver a countersigned copy of the complaint or send it to the accused by registered mail or by e-mail within ten days of receiving it.”</p>
Resolution No. C25	<p>CUPE NATIONAL WILL:</p>

RES. NO.	AMENDMENT
(covers resolution 82)	<p>1. Add a new paragraph to Article B.11.2 as Article B.11.2 (c):</p> <p>“The Recording Secretary will, within five days after providing the complaint to the accused, offer in writing to both the accused and accuser a voluntary mediation process. The accused and accuser will, within five days of the written offer of voluntary mediation, respond in writing to the Recording Secretary. With written agreement by the accused and the accuser to participate in a mediation process, the time limits shall be put on hold for a period of 60 days. Mediation will be carried out in accordance with National Guidelines.”</p>
<p>Resolution No. C26 (covers resolution 83)</p>	<p>CUPE NATIONAL WILL:</p> <p>1. Amend Article B.11.3 (a) to read:</p> <p>“At least ten days and no more than 120 days after the complaint has been delivered or sent to the accused, the Local Union will elect a Trial Panel of 11 members in good standing and select a Trial Committee. The election will take place at the next regularly scheduled membership meeting or a properly constituted meeting of the Local Union. If the Local Union is a Provincial Local, the election of a Trial Panel and selection of the Trial Committee can take place at a sub-unit meeting. The Recording Secretary will deliver notice of the meeting to both the accused and the accuser or send the notice by registered mail or by e-mail.</p> <p>For purposes of this Article, sub-unit can mean a sub-local, unit or Region of a Provincial Local.”</p>
<p>Resolution No. C27</p>	<p>CUPE NATIONAL WILL:</p> <p>1. Amend Article B.11.4 (a) to read:</p> <p>“The Trial Committee will hold a private hearing into the complaint or complaints within 60 days of being selected. The Committee will give at least 14 days’ written notice to the accuser and the accused of the time and place of the hearing. The notice will be delivered in person or sent by registered mail or by e-mail.”</p>
<p>Resolution No. C28</p>	<p>CUPE NATIONAL WILL:</p> <p>1. Amend Article B.11.4 (b) to read:</p> <p>“The Trial Committee decides its own procedure in accordance with National Guidelines. The Committee can accept any oral or written evidence that it considers proper, so long as every member receives a fair and impartial hearing. The Trial Committee can decide any preliminary objection to the complaint and can dismiss the complaint. The Trial Committee can act with only four members, if necessary.”</p>
<p>Resolution No. C29</p>	<p>CUPE NATIONAL WILL:</p> <p>1. Amend Article B.11.4 (d) to read:</p>

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	<p>“The accused and the accuser have the right to be present at the hearing, to call witnesses and to cross examine witnesses called by the other side. They may choose someone to represent them at the hearing. The representative must be a member in good standing of the trade union movement of a trade union affiliated to the Canadian Labour Congress, unless the law does not permit this restriction.”</p>
<p>Resolution No. C30</p>	<p>CUPE NATIONAL WILL:</p> <p>1. Amend Article B.11.5 (b) to read:</p> <p>“The written appeal by the accused will set out:</p> <ul style="list-style-type: none"> (i) the part of parts of the decision that are being appealed; (ii) the date on which the decision was reported to the accused; (iii) the reasons for the appeal; (iv) whether the accused wants a hearing or wants to make submissions in writing; (v) the desired location, if a hearing is requested; and (vi) the remedy requested by the accused. <p>The accused will send the appeal to the National President by registered mail or by e-mail and will send a copy of the appeal to the accuser and to the Recording Secretary of the Local Union.”</p>
<p>Resolution No. C31</p>	<p>CUPE NATIONAL WILL:</p> <p>1. Amend Article B.11.5 (e) to read:</p> <p>“If the accused requests a hearing, the Appeal Panel will send notice to the accused and the accuser of the time and place of the hearing. The notice will be sent by registered mail or by e-mail at least one month before the hearing.”</p>
<p>Resolution No. C32</p>	<p>CUPE NATIONAL WILL:</p> <p>1. Add a new paragraph to Article B.11.5 as Article B.11.5 (f):</p> <p>“The accused and the accuser have the right to be represented at the appeal hearing. The representative must be a member in good standing of a trade union affiliated to the Canadian Labour Congress, unless the law does not permit this restriction.”</p> <p>2. Re-letter the current Article B.11.5 (f) as Article B.11.5 (g), and re-letter the remaining paragraphs of Article B.11.5 accordingly.</p>

RES. NO.	AMENDMENT
Resolution No. C33	CUPE NATIONAL WILL: 1. Amend renumbered Article B.11.5 (g) to read: “The Appeal Panel can confirm or set aside the finding of guilt and can confirm, change or set aside any penalty or order made by the Trial Committee. The Appeal Panel will make its decision within 30 90 days of the completion of the hearing or written submissions. The decision of the Appeal Panel is final and binding.”
Resolution No. C34	CUPE NATIONAL WILL: 1. Amend Article B.11.5 (h) to read: “If the appeal is upheld in whole or in part , the Local Union will pay the travel and accommodation expenses of the accused for attending the hearing before the Appeal Panel. Travel and accommodation will be paid at the rate outlined in the Local Union bylaws. If the appeal is dismissed, the accused will pay their own expenses.”
Resolution No. C35 (as amended, covers resolution 110)	CUPE NATIONAL WILL: 1. Revise the Equality Statement to replace the gendered language with gender neutral language; and 2. Replace "sisters and brothers" with " union members " " persons " in the last sentence to read: <i>Members, staff and elected officers must be mindful that all union members persons deserve dignity, equality and respect; and</i> 3. Update communication policies to be gender neutral and sensitive to gender variant individuals as a way to be more inclusive of all gender identities.
Resolution No. 37 (as amended by the Constitution Committee)	CUPE NATIONAL WILL: 1. Enshrine the Code of Conduct in the National Constitution, as Appendix E, applicable to all events organized by CUPE National.