

CONSTITUTION

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ARTICLE 1 - NAME AND AFFILIATION

a) This organization shall be known as the Canadian Office and Professional Employees Union, Local 378 hereinafter referred to as MoveUP.

b) MoveUP shall be a chartered local of the Canadian Office and Professional Employees Union and shall be affiliated to the Canadian Labour Congress (CLC) and such other organizations as determined by the Executive Council.

ARTICLE 2 - PURPOSES AND AIMS

MoveUP is a diverse, progressive, member driven organization that protects member's rights and empowers them to unite for better workplaces, communities and society as a whole.

The purposes and aims of MoveUP are the following:

a) to promote and regulate relations between employees and employers through collective bargaining and to establish and maintain the best possible standards of pay, benefits and other working conditions.

b) to organize the unorganized.

c) to promote progressive legislation in the areas of labour relations, labour standards and human rights.

d) to co-operate with unions and organizations of unions in order to achieve the above objectives.

e) to encourage social unionism that recognizes the importance of participation in our society.

f) to promote, protect and champion the legitimate struggles of workers.

g) to provide aid, assistance and guidance to our members, to the end that all workers may share in the benefits resulting from employment under the terms of collective bargaining agreements and legislation relating to employment.

h) to inform, advise and educate workers in the principles and policies of this organization, and of the benefits and gains which they may achieve through organization and collective bargaining.

ARTICLE 3 - MEMBERSHIP

3.1 Eligibility

Any person employed in a bargaining unit which is or could be represented by MoveUP, is eligible for membership provided such membership is not prohibited under Article 4 of the national constitution.

The signature of a membership application constitutes the undertaking to comply with the constitution of the national union, local union and council. Membership shall be deemed accepted unless denied by the executive board of the local union for just and sufficient cause. An appeal of this decision is possible under the applicable procedure.

No member shall hold right, title or interest in the assets, funds and other property of the local union, council or national union.

3.2 Membership Criteria

The executive board may refuse membership for reasonable cause. Reasonable cause shall include, but not be limited to the fact that an applicant for membership has:

a) crossed a picket line of this or another union;

b) accepted employment as a replacement for an employee not at work due to a strike or lockout;

c) acted to prevent a union from obtaining or maintaining a certification for any unit of employees.

Every applicant for membership shall have a right to natural justice and shall not be denied membership on a discriminatory basis.

3.3 Member in Good Standing

a) A member in good standing is any member employed in any MoveUP bargaining unit or signed member being part of a potential bargaining unit under an organizing campaign into MoveUP who is not suspended or prohibited from membership under any term or condition contained within the constitution or bylaws.

b) A member who is delinquent in any financial obligation to MoveUP shall be deemed to be a member not in good standing of MoveUP save and except that members of a potential bargaining unit described in article 3.3(a), not subject to automatic dues deduction pending certification, shall be considered members in good standing within MoveUP subject to article 9.7 of this constitution.

c) It is understood that to protect new members in any organizing drive, upon certification, all new bargaining unit members will be required to complete new member application forms once the certification process is complete.

d) Notwithstanding Article 3.3(b), members in good standing duly registered for dispatch within the labour component, who may experience recurring breaks of continuous

employment and where an ongoing relationship with MoveUP is likely to continue, shall be considered members in good standing. It is expressly understood that at the time of an election call, all members registered on the MoveUP dispatch system are eligible to vote for the office of president, secretary-treasurer and executive board officer. Dispatch members may vote in executive council elections provided that they are employed within a MoveUP bargaining unit at the time an election is officially called.

3.4 Associate Membership

a) Notwithstanding Article 3.1 and 3.3, the following are eligible for associate membership upon application: Members on layoff, retired members, and people excluded from a bargaining unit or employees of MoveUP.

b) Associate members are entitled to the following benefits:

   i) to be seated at MoveUP council meetings or COPE National conventions as observers with the consent of the chair;

   ii) to pay dues and per capita payments as set out by MoveUP;

   iii) to be appointed as delegates at the discretion of the president to labour councils, the CLC and the BC Federation of Labour conventions;

   iv) to receive newsletters and attend MoveUP functions on the same basis as regular members.

   v) to serve on committees of MoveUP.

c) Associate Members are not entitled to a vote and are not eligible to hold office in MoveUP or the national union.

3.5 Honourary Life Membership

The executive board shall be empowered to establish an honourary life membership status for individuals who have rendered meritorious service to MoveUP. Honourary life members shall have no rights or privileges of membership.

ARTICLE 4 - EXECUTIVE BOARD

All members of the executive board shall be elected for a three (3) year term by a secret ballot of the membership in good standing in accordance with the provisions as set out in the succeeding paragraphs of this article. The executive board shall be representative of the industrial and geographic diversity of MoveUP and of the bargaining units certified to MoveUP. To ensure such representation, the number and composition of executive board components shall be established by the electoral committee in compliance with the bylaws and approved by the executive council. Once elected, all members of the executive board will be a job steward.

4.1 Composition

The executive board shall be comprised of a president, secretary-treasurer, vice-presidents, and executive board members elected in accordance with this article.

4.2 Election of President and Secretary-Treasurer

The president and secretary-treasurer shall be elected at-large by and from the general membership of MoveUP.

The incoming president and secretary-treasurer shall be installed and assume office immediately after being declared elected.

4.3 Election of Vice-Presidents

A vice-president shall be elected at-large by and from the general membership of their respective component at MoveUP. There shall be 3 vice-presidents elected and each shall represent at least 20% of the total membership. There shall be no more than one vice-president from any single bargaining unit. The constituencies shall be recommended by the electoral committee subject to the approval of the executive council.

i) Notwithstanding the above, if one component has more than 60% of the members, there shall only be 2 vice-presidents, one from the largest component and one from the remaining combined components.

The incoming vice-presidents shall be installed and assume office immediately after being declared elected.

4.4 Election of Executive Board

Executive Board Members shall be elected by and from the membership in each Employer Bargaining Unit and the electorate shall vote for the required number of Executive Board Members as follows:

a) Each Employer Bargaining Unit whose monthly membership average for the 12 month period ending 6 months prior to the last day the ballots are to be received for election confirmed at 501 or more Members will elect Executive Board Members from among their respective unit as per subsection (b).
b) Monthly membership average entitlement:

1 – 500 Members	0 Executive Board Member(s)
501 – 1000 Members	1 Executive Board Member(s)

1001 – 1500 Members 2 Executive Board Member(s)
1501 – 2500 Members 3 Executive Board Member(s)
2501 – 3500 Members 4 Executive Board Member(s)
3501 – 4500 Members 5 Executive Board Member(s)
And so forth.

c) Employer Bargaining Units whose monthly membership average for the 23 month period ending 6 months prior to the last day the ballots are to be received for election is less than 501 Members each, will have their membership combined into one or more component groups and will elect Executive Board Members from among their combined memberships as per subsection (b), except that if the combined total is less than a monthly membership average of 501, but not less than 401, the combined membership shall nevertheless be entitled to one (1) Executive Board Member.

4.5 Installation of Executive Board Members

Incoming executive board members shall be installed and assume office at an executive board meeting held within 15 days of being declared elected.

4.6 Oath of Office

All incoming officers will take the following oath before assuming office:

> "I,_____, do hereby sincerely pledge my word and honour to perform the duties assigned to me in the Local Union Constitution and Bylaws, to the best of my ability and with complete good faith to support, advance and carry out all official policies of the Local Union and to promote a harassment and discrimination-free environment. I will at all times devote my efforts to further the aims, objectives and best interests of the Canadian Office and Professional Employees Union. I will also surrender all books, papers, electronic data and other property of the Local Union in my possession to my successor in office."

ARTICLE 5 – DUTIES OF EXECUTIVE OFFICERS

5.1 President

a) The president shall be employed by MoveUP in a full-time position and remunerated as per the bylaws.

b) The president shall act as chief executive officer of MoveUP in all matters where authority is not conferred on other officers and shall have the following powers and duties:

i) The president is the chair of the executive board, the executive council and any business meetings of MoveUP. At such meetings the president shall enforce the constitution, rules of order and bylaws of MoveUP. They shall have the power to call special meetings and will call meetings requested by a majority of the executive board or executive council. Except in the case of a tie or secret ballot the president will not cast a vote.

ii) The president has responsibility for the assignment, direction and supervision of the work of all staff and employees of MoveUP. The president shall, wherever possible, delegate the day-to-day supervision of all staff and employees of MoveUP to the supervisory and exempt staff;

iii) The president or designate shall ensure that reports of the activities of staff are supplied to the executive board and executive council at their regular meetings;

iv) The president or designate shall serve as delegate-elect to all conventions and conferences at which MoveUP participates;

v) The president shall be an ex-officio member of all committees and shall function in an advisory capacity without vote;

vi) The president shall exercise care and supervision over all the affairs of MoveUP.

vii) The president or designate shall be the main spokesperson and officer of the local union or council. It shall be the duty of the president to protect and promote its interests.

c) In the event of the unavailability of the president, the secretary-treasurer, a vice-president, or an executive board member, in that order, shall act on the president's behalf for any absence expected to be less than 90 days.

In the event of an absence expected to be greater than ninety (90) days, the executive council may elect an interim president, from executive board and council members, at the next executive council meeting. The interim president will fulfill the duties of office until the president returns. The executive board will recommend to executive council if an election should be held.

d) Provided the president so authorizes in writing, a vice-president, or union representative(s) may sign a collective agreement or any other documents relative to collective agreement administration.

The national union shall be provided, upon request, a copy of a concluded collective agreement.

e) A member elected to the position of president within MoveUP who voluntarily ceases employment within the bargaining unit will be deemed to have resigned the elected position as of the last date of employment.

5.2 Secretary-Treasurer

The secretary-treasurer shall be employed by MoveUP in a full-time position and remunerated as per the bylaws.

The secretary-treasurer shall have the following powers and duties:

a) The secretary-treasurer shall receive all funds of MoveUP and shall maintain accounts in a chartered bank or other financial institution approved by the executive council;

b) The secretary-treasurer or designate shall make such payments as authorized by the executive council or the executive board and shall provide statements of accounts for each executive board and executive council meeting. As well the secretary-treasurer will report annually the audited statements of MoveUP to the members as a whole.

c) The secretary-treasurer shall develop and adhere to the financial policy as approved by the executive board and executive council. The secretary-treasurer shall develop short and long range financial planning and forecasting.

d) The secretary-treasurer will be responsible to create the annual budget, to explain budgetary processes to executive board and executive council and members when required and present the annual budget at executive board and executive council meetings. The secretary-treasurer will work with MoveUP committees on their annual budget.

e) The secretary-treasurer shall chair any budgetary, financial, or pension committees, except the audit committee.

f) Financial staff shall report directly to the secretary-treasurer on financial matters. The president shall have full access to all financial information of MoveUP.

g) The secretary-treasurer shall assume the duties of the president when so directed by the president as per Article 5.1(c).

h) The secretary-treasurer will carry out any special duties as may be conferred upon them by the president.

i) A member elected to the position of secretary-treasurer within MoveUP who voluntarily ceases employment within the bargaining unit will be deemed to have resigned the elected position as of the last date of employment.

j) The secretary-treasurer shall submit to the national secretary-treasurer all relevant information pertaining to those bank accounts (name of the institution, full address, account number, …). The treasurer shall endeavor to deposit such funds in unionized financial institutions.

k) The secretary-treasurer shall assume the responsibilities of recording secretary, as mandated in the national constitution. The recording secretary shall ensure that accurate records are kept of the proceedings of all executive board and executive council meetings. The recording secretary will provide the national president and national secretary-treasurer with the names and contact information of all the local union officers as well as any changes to that information. These duties may be delegated by the secretary-treasurer, in consultation with the president.

l) In the event of the unavailability of the secretary-treasurer to fulfill the duties of office, a vice-president, or an executive board member, in that order, shall be appointed by the executive board to act on the secretary-treasurer's behalf for any absence expected to be greater than thirty (30) days but less than ninety (90) days.

In the event of an absence expected to be greater than ninety (90) days, the executive council may elect an interim secretary-treasurer, from executive board and council members, at the next executive council meeting. The interim secretary-treasurer will fulfill the duties of office until the secretary-treasurer returns. The executive board will recommend to executive council if an election should be held.

5.3 Vice-Presidents

The vice-presidents shall be employed by MoveUP in a full-time position and remunerated as per the bylaws.

The vice-presidents shall have the following powers and duties:

a) Vice-presidents shall assume the duties of the president when directed by the president as per Article 5.1(c).

b) Vice-presidents will chair committees of MoveUP as assigned by the president;

c) Vice-presidents may approve requests for officers' time off to attend job steward, training meetings and/or to attend to MoveUP business;

d) Vice-presidents may approve all communications media within their component upon authorization of the president;

e) Vice-presidents shall co-ordinate officer communication within their component as well as report to the executive board regarding vacant officer positions within their component;

f) Vice-presidents or their delegate shall chair arbitration review committees and job steward meetings for their component;

g) Vice-presidents will be a delegate to inter-union occupational conventions for their component;

h) Vice-presidents shall carry out any special duties as may be conferred upon them by the president.

i) A member elected to the position of vice-president within MoveUP who voluntarily ceases employment within the bargaining unit will be deemed to have resigned the elected position as of the last date of employment.

j) In the event of the unavailability of the vice-president to fulfill the duties of office, an executive board member from the same component may act on the vice-president's behalf for any absence expected to be greater than thirty (30) days but less than ninety (90) days. The interim vice-president selection process will be determined by the executive board.

In the event of an absence expected to be greater than ninety (90) days, the executive council members for the affected component may elect an interim vice-president, from executive board and council members for the affected component, at the next executive council meeting. The interim vice-president will fulfill the duties of office until the vice-president returns. The executive board will recommend to executive council if an election should be held.

5.4 Table Officers

a) Will consist of the president, secretary-treasurer and vice-president(s).

b) The table officers will deal with items of importance and emergent issues facing MoveUP.

c) The table officers will ensure consistency throughout MoveUP, in accordance with the policies and procedures of MoveUP.

d) The table officers will make up the staff relations committee.

e) The table officers will make recommendations as appropriate to the executive board.

f) Table officers, or their designates, shall attend conferences as required on behalf of MoveUP.

ARTICLE 6 – DUTIES OF THE EXECUTIVE BOARD

6.1 Meetings

a) The executive board shall meet at least twelve times a calendar year at such times and places as the president may designate, provided however that such a schedule may be varied as a result of collective bargaining or other urgent matters. A special meeting will be called by the president within fifteen days upon request of a majority of the executive board.

b) A majority of the members of the executive board participating, by any means that are deemed appropriate by the executive board, shall constitute a quorum.

6.2 Duties of the Executive Board

The executive board shall have the following powers and duties:

a) The executive board will be responsible for the ongoing operation of MoveUP and shall make recommendations to, and report to the executive council;

b) The executive board shall have the authority to call a strike when any group of members of MoveUP have voted for strike action against their employer as provided for in the national constitution;

c) The executive board may approve expenditures of up to $5,000 for any one item, in addition to expenditures of an operational nature;

d) The executive board will authorize the employment of staff subject to having obtained prior financial approval for the position from the executive council;

e) The executive board shall have the authority to approve the hiring of temporary employees as advised by the president except that the president shall be authorized to hire such temporary employees without approval for short term emergent requirements.

f) Executive board members will be elected or appointed as delegates to conventions, conferences, seminars, and similar meetings;

g) Executive board members will assume the duties and responsibilities of a job steward.

h) The executive board shall approve the appointment of job stewards and may appoint job stewards where necessary;

i) Executive board members will serve on their bargaining unit's negotiating committee unless they decline in writing;

j) The executive board may propose bylaws which are consistent with the provisions of the constitution. Such bylaws must be ratified by the executive council;

k) The executive board shall ratify contracts negotiated with MoveUP representing employees of MoveUP.

l) If an executive board member shall absent themselves from more than 50% of regular scheduled meetings without reason deemed sufficient by the executive council, the executive board member will be considered in default and action will be initiated to fill the vacancy.

m) A member elected to the position of executive board member within MoveUP who voluntarily ceases employment within the bargaining unit will be deemed to have resigned the elected position as of the last date of employment.

ARTICLE 7 – EXECUTIVE COUNCIL

The Executive Council is the governing body of MoveUP between conventions, unless otherwise set out by this Constitution. The Council shall govern in a manner consistent with the policies established by the convention. Once elected, all Members of the Executive Council will be a Job Steward.

7.1 Composition

The executive council of MoveUP shall be composed of the executive board and councillors elected in accordance with Article 7.2.

7.2 Election of Councillors

a) The council shall be representative of the geographic and numeric diversity of MoveUP and of the bargaining units certified to MoveUP. To ensure such representation, the number of electoral districts and council positions shall be established by the electoral committee in compliance with the bylaws and approved by the executive council.

b) Exclusive of the members of the executive board, the number of executive council positions for the council as a whole shall not be less than a minimum one (1) position for every full one hundred (100) members of MoveUP as indicated by the average monthly membership in the calendar year preceding the regular executive council election.

   i) Those employer bargaining units of less than 50 members each will have their membership combined and the number of executive council positions for the combined membership group shall not be less than a minimum of one (1) position for every full one hundred (100) members in this combined membership group. Except that if membership in this combined group is 50-99 members, it shall be entitled to at least one (1) council position.

   ii) No single employer bargaining unit of the combined membership group shall have more than one (1) councillor under this section. The candidate from any one employer bargaining unit getting the highest vote shall be elected; all further candidates shall be eliminated.

   iii) Notwithstanding Article 7.2(b) (i) and in accordance with Article 7.2(a) and Bylaw 1 E (3) the electoral committee may add bargaining units of less than fifty (50) members to a single bargaining unit of fifty (50) or more members. In such cases where the combined membership is greater than one hundred fifty (150) members article 7.2(b) (ii) would not apply.

c) Every member of the executive council holds office until the next executive council election, they resign, they relocate to another councillor boundary or they are removed from office for cause. They shall assume office upon being declared elected and be sworn into office at the next scheduled executive council meeting.

d) All incoming councillors will take the following oath before assuming office:

"I,_____ ___, do hereby sincerely pledge my word and honour to perform the duties assigned to me in the Local Union Constitution and Bylaws, to the best of my ability and with complete good faith to support, advance and carry out all official policies of the Local Union and to promote a harassment and discrimination-free environment. I will at all times devote my efforts to further the aims, objectives and best interests of the Canadian Office and Professional Employees Union. I will also surrender all books, papers, electronic data and other property of the Local Union in my possession to my successor in office."

e) Newly organized bargaining units having ratified a first collective agreement are entitled to elect councillors in accordance with the provisions of this article. Such councillors will hold office for the balance of the term. In such cases the averages referred to above would not apply but instead the membership numbers at time of ratification would be used.

7.3 Meetings

a) The executive council shall meet as a whole at least five times a calendar year at such time and place as the president may designate.

b) Thirty percent of the members of the executive council shall constitute a quorum.

7.4 Duties of the Executive Council

The executive council shall have the following powers and duties:

a) The executive council shall be a legislative body with the power to make, revise and amend the bylaws of MoveUP in the interests of all members.

b) The executive council will act as an assembly to discuss and rule on matters pertaining to the welfare of the members and upholding of the objective of the purposes and aims of MoveUP as outlined in article 2.

c) The executive council shall approve the operating budget of MoveUP as well as any non-operating expenditures over $5,000. In no case shall total expenditures in any fiscal year exceed the total funds available in the general fund from revenue and other authorized sources.

d) After the end of each fiscal year surplus funds accrued in that year, in amounts to be determined by the executive council, shall be transferred to the defence fund, contingency fund, reserve funds, and/or carried over to the general fund in the current fiscal year, on a two-thirds majority vote in favour by the executive council.

e) The executive council shall receive reports of all committees of MoveUP.

f) When executive board members are unable to act or do not have sufficient numbers to meet the required amount of delegates to conventions, conferences, seminars and similar meetings, executive councillors may be elected or appointed as delegates to such conventions or meetings.

g) If a councillor shall absent himself or herself from more than 50% of regular scheduled meetings without reason deemed sufficient by the executive council, the councillor will be considered in default and action will be initiated to fill the vacancy.

h) The executive councillors will be responsible for the welfare of the individual members in the groups they represent, and to the full extent and meaning of the constitution.

i) Executive councillors will assume the duties and responsibilities of a job steward.

j) A member elected to the position of executive councillor within MoveUP who voluntarily ceases employment within the bargaining unit will be deemed to have resigned the elected position as of the last date of employment.

ARTICLE 8 – JOB STEWARDS

8.1 Definition

Job stewards are representatives of the members in their respective bargaining units.

8.2 Election of Stewards

a) Job stewards may be elected, recalled, acclaimed or appointed by any process approved by the president or vice-president and endorsed by the executive board.

b) A member elected to the position of job steward within MoveUP who voluntarily ceases employment within the bargaining unit will be deemed to have resigned the elected position as of the last date of employment.

c) Job stewards take office at the executive council election and hold office until the next executive council election, they resign or they are removed from office under article 16.

   Job steward positions may be filled at any time between elections through the process above.

d) There is no fixed limit on the number of job stewards.

ARTICLE 9 –AUDIT COMMITTEE, AUDITORS AND UNION FUNDS

9.1 Audit Committee

The committee shall be made up of five members, selected as follows: Board members (excluding the president, secretary-treasurer and vice-presidents) shall appoint from amongst themselves the chair of the audit committee and one committee member. The other three members shall be elected by and from the executive council.

9.2 Duties of Audit Committee

The audit committee shall meet at least quarterly to review the financial statements and processes of MoveUP. Such meeting dates shall be determined in consultation with the executive board who may make recommendations as to the number and schedule meetings required to fulfill its mandate. Reports of their meetings shall be forwarded to the executive board and council. The secretary-treasurer and appropriate staff of MoveUP shall be available to the committee upon committee request along with any requested financial information.

9.3 Auditors

The executive board shall appoint an independent auditor who shall be a Chartered Accountant or a Certified General Accountant licensed to practice in British Columbia.

9.4 Duties of Auditor

The auditor shall conduct an annual audit of the books and accounts of MoveUP and shall render a report to the executive board and the audit committee. The executive board shall, as soon as practical, report the auditor's findings to the executive council and to the membership as required by the bylaws.

9.5 Initiation Fee

There shall be an initiation fee for membership candidates. Such fee shall be determined by the executive board and recorded in the bylaws.

9.6 Dues

a) The monthly dues charged to members of MoveUP shall be at the rate of one-and one-half percent (1 ½ %) of regular gross monthly earnings (salary and commissions) paid plus one and one half percent (1 ½%) of overtime pay earned and any compensation arising out of the employment relationship paid pursuant to any agreement between MoveUP and an employer.

b) Minimum dues shall be established by the executive council. Dues do not apply to out-of-pocket employment expenses reimbursed by the employer. No member shall pay less than the minimum dues except for variations authorized by the executive council. Such variations shall apply to employer groups only, not individuals.

c) In the case of new bargaining unit certifications membership dues are not assessable, nor payable, until ratification of a first collective agreement.

9.7 Organizing Fees

Where MoveUP is conducting an organizing campaign the initiation fee for persons who apply for and receive membership in MoveUP shall be an amount determined by the executive council, unless there is an amount required by law.

9.8 Maintenance of Benefit Fees

Members who are not employed with an employer under a collective agreement with MoveUP may pay a monthly fee at a rate to be determined by the executive council in order to retain such benefits. During the time such maintenance fees are paid the member will not be entitled to a vote or hold office in MoveUP.

9.9 Assessments

a) Assessments related to Specific Bargaining Units

i) Members in any employer bargaining unit may set and levy an assessment on their membership to raise revenues for any purpose considered to be in the interests of MoveUP, on the condition that such assessment has been approved by the executive board and by a majority of members voting in the bargaining unit. Any such assessments will be maintained in a separate fund and will be used only for

the purpose for which it was established unless otherwise approved by a majority of the members voting in the bargaining unit.

ii) The level of assessment will be as close as possible to the benefit requirements under this section and any excess monies from an assessment shall be maintained in a separate fund to meet future obligations.

b) Benefits related to Respecting Picket Lines of Other Unions

i) Members who suffer a loss of salary respecting picket lines of another union will be reimbursed for such losses in accordance with the bylaws. However, if the executive board is of the opinion that the defence fund does not have sufficient funds to cover the losses, it may, subject to the following conditions, impose an assessment in order that all members share the losses experienced by the members respecting the picket line of other unions.

ii) In order to qualify for benefits under this section, members or other representatives must contact the MoveUP office immediately if they are confronted by a picket line to determine that the picket line conforms with this section.

iii) Members who lose pay for respecting picket lines in conformity with this section will receive benefits from the assessment fund as per the bylaws for each full half day that the member lost pay for respecting such picket line. Benefits will normally be paid after the dispute which generated the picket line is resolved and after the assessment is collected. The executive board will total all losses incurred and determine the amount of assessment required to meet the benefits under this section.

iv) The level of assessment will be as close as possible to the benefit requirements under this section and any excess monies from an assessment shall be maintained in a separate fund to meet future obligations.

9.10 Defence Fund

MoveUP shall establish a defence fund for the use of MoveUP in accordance with the following conditions:

a) The money from the defence fund shall be maintained in a separate account apart from all other funds of MoveUP and all earnings on this account shall accrue to and form part of the defence fund.

b) The defence fund shall be derived by a per capita amount of $1.50 per member per month. The per capita amount will come from total dues collected, unless modified by article 9.6(b).

c) Money from the defence fund will be dispersed as permitted by the executive council and/or the bylaws for the purpose of providing financial assistance to members of MoveUP affected by a labour dispute.

d) Money from the defence fund may be used to fund the cost of job action initiatives that will support members who may face or are facing a labour dispute. The funds will be dispersed as authorized by the executive board.

e) Money from the defence fund will be used to fund the cost of arbitrations undertaken on behalf of members.

f) An amount up to the interest accrued in the previous year may be transferred to supplement revenue income of MoveUP's general fund, provided such transfer is approved by the executive board and is subject to a ratification vote by the executive council.

g) In any year, an amount up to 5% of the balance of the defence fund on the previous December 31st, may be transferred by the executive board, subject to a ratification vote by the executive council, to the Membership Protection Reserve. When such a transfer of funds is executed, the amount transferred shall be accounted for, be reported in and form part of the annual budget for the current fiscal year.

h) The regulations governing the administration of this Defence Fund, including the investment of the Fund and the benefits to be paid there from, shall be established by the executive council and shall be a part of the bylaws of MoveUP.

i) The funding formulas in subsection (b) and disbursement in subsection (d) become effective January 1, 2022.

9.11 Signatories

All cheques issued against the funds of MoveUP, shall be signed by the secretary-treasurer and president or if either is unavailable a vice-president may be substituted for the signature of the president or the secretary-treasurer. All persons exercising signing authority may be covered by a suitable bond provided by MoveUP. Payment may also be made electronically as long as it is secured and approved as if it were a cheque.

9.12 Fiscal Year

The fiscal year of MoveUP shall be the calendar year.

9.13 Budget

a) The secretary-treasurer shall prepare and present to the executive board for approval an operating budget for the fiscal year. Such budget will also be presented to the executive council for their approval not later than the last executive council meeting of the preceding fiscal year.

ARTICLE 10 – ELECTION PROCEDURE

10.1 General Elections

a) There shall be a general election of officers: president, secretary-treasurer, vice-presidents, executive board, and executive council every three (3) years. For reference, 2021 was an election year.

b) Executive council elections, referred to as the Executive Council Election, shall be counted and announced on or before May 1st of the election year. In conjunction with the Executive Council Election, job stewards shall be required to reaffirm their desire to remain a job steward. For reference, 2022 was an election year.

c) Voting will begin fourteen (14) days after the closing of nominations.

d) Voting shall remain open for fourteen (14) days. Should the 14th day fall on a non-business day, the next business day shall be used.

e) Votes shall be counted immediately after voting closes.

10.2 Duties of Returning Officer

a) No employee of MoveUP, member of the executive council, member of the executive board or candidate for office shall act as returning officer, deputy returning officer or poll clerk.

b) The returning officer shall be responsible for the conduct of all MoveUP elections and shall ensure that those elections are carried out in accordance with the provisions of this constitution and the bylaws.

c) The returning officer shall receive and review all nominations and shall determine whether they are in order and comply with the provisions of MoveUP 's constitution and bylaws. This determination will be made within two days of receiving the nomination but no later than the time limits as specified in article 10.5(d). Notification of acceptance shall be mailed to candidates forthwith upon acceptance of the nomination.

d) The returning officer will ensure that notice of all nominations, including an outline of the duties of each of the positions, are distributed in all sections and districts as per the bylaws.

10.3 Qualifications of Candidates

Subject to any other requirements of MoveUP's constitution and bylaws a person is qualified to be nominated for office and to hold office, if, at the relevant time, the person meets all the following requirements:

a) the person must be a member in good standing of MoveUP;

b) the person must not have been convicted of an indictable offence, or an offence under the constitution of MoveUP; unless six years have elapsed since such conviction;

c) the person must not be disqualified by the national constitution of COPE from being nominated for or holding office with MoveUP.

10.4 Appointment of Returning Officer and Deputy Returning Officers

The executive board shall, not later than the last working day in February in a year when an executive council election is being held appoint a returning officer and such deputy returning officers as may be required for a term of three (3) years.

10.5 Nominations

a) In a year where elections are to be held, nominations shall be conducted as outlined in article 10.5 b) through g) below.

b) President and Secretary-Treasurer

i) Nominations for president and secretary-treasurer will be called one-hundred and twenty-two days prior to convention. Should the 122nd day fall on a non-workday, the last business day will be used. Nominations shall remain open for fourteen (14) days.
ii) Nominations shall be made by a minimum of five (5) members, in good standing of MoveUP, who shall sign the nomination form and attach it to the written consent of the nominee.

c) Vice-President

i) Nominations for vice-president will be called one-hundred and twenty-two (122) days prior to convention. Should the 122nd day fall on a non-workday, the last business day will be used. Nominations shall remain open for fourteen (14) days.
ii) Nominations for vice-president shall be made by a minimum of five (5) members, in good standing of MoveUP and the component from which the vice-president is to be elected, who shall sign the nomination form and attach it to the written consent of the nominee.

d) Executive Board

i) Nominations for executive board will be called one-hundred and twenty-two (122) days prior to convention. Should the 122nd day fall on a non-workday, the last business day will be used. Nominations shall remain open for fourteen (14) days.

ii) Nominations for executive board members shall be made by a minimum of five (5) members, in good standing of MoveUP and of the employer bargaining unit(s) from which the executive board member is to be elected, who shall sign the nomination form and attach it to the written consent of the nominee.

e) Executive Council

i) Nominations for executive council will be called forty-two (42) days prior to the executive council election as stated in article 10.1 b). Should the 42nd day fall on a non-workday, the last business day will be used. Nominations shall remain open for twenty-one (21) days.

ii) Nominations for executive councillors shall be made by a minimum of two (2) members, in good standing of MoveUP and within the executive council area from which the executive councillor is to be elected, who shall sign the nomination form and attach it to the written consent of the nominee.

f) Nomination forms must be received by the returning officer at the MoveUP office not later than 4:30pm two (2) weeks prior to the date determined for the conduction of the election. In the event this date falls on a weekend, it shall be the Friday preceding the weekend that all nominations are closed.

g) No member shall be nominated for more than one (1) elected position. No member shall hold more than one (1) elected position at any one time except that a member of the executive board shall nevertheless be a member of the executive council and as per the provisions in article 5.

10.6 Candidates Information

a) Candidates for any position are entitled to have access to MoveUP's membership rolls and MoveUP's voters list the first working day following the close of nominations as per article 10.1(c) and 10.5(f) in an election year. Such access will be limited to the candidates' prospective constituents and shall include their home addresses and contact information.

b) Duly nominated candidates for vice-president are entitled to have access to the latest list of registered delegates for the relevant vice-presidential area and shall include their home addresses and contact information.

c) Candidates may prepare a personal profile limited to 150 words which may include a photograph. Where such profile is provided to the returning officer no later than the close of nominations deadline as specified in article 10.1(c) and 10.5(f), it will be published and distributed, by MoveUP, to the last known home address of each member entitled to vote for the candidate as well as the website no later than first working day after that date prescribed by the returning officer applicable to the election at hand.

10.7 Vacancies

Where a president, secretary-treasurer, vice-president, executive board member or councillor vacates, resigns, or is removed from office the following procedure shall apply:

a) Councillor:

i) A by-election shall be held unless,

ii) Notwithstanding article 10.7(a) (i), should a vacancy occur after November 1st in a year preceding a triennial election, the position will remain vacant until the triennial election.

b) Executive Board member:

i) A by-election shall be held, unless

ii) Notwithstanding article 10.7(b) (i), should a vacancy occur after January 1st in the year of an executive board election, the position shall be filled by election of an executive councillor from within the unit who shall be elected by the members of the executive council from the unit. Such election shall be conducted at the first executive council meeting following the vacancy.

c) Vice-President:

i) The process in article 10.7(b) shall occur first to replace the vacant executive board position.

ii) When the process contemplated in article 10.7(b) has been completed, the members of the executive council for the unit will then elect a vice-president from the board members for the unit at the earliest possible scheduled meeting of the executive council.

iii) If there is no executive board member elected per article 10.7(c) (1), then the vice-president for the unit shall be elected from the remaining members of the executive board for the unit.

d) Secretary-Treasurer

A vice-president shall be appointed by the executive board as an acting secretary-treasurer.

i) If the next election is more than 12 months away, a replacement shall be elected as per article 4.

ii) If the next election is 6-12 months away, at the next meeting of the executive council, a secretary-treasurer shall be elected from amongst the executive council to serve out the term. At the next meeting of the executive council, a notice of election shall be provided and nominations from the executive council shall take place. Nominations shall close at that meeting and the election process, including access to contact information of voters, shall commence at the adjournment of the executive council meeting. A special executive council meeting shall be called within 10 business days of the adjournment of the executive council meeting with the only agenda item to be the execution of the election. The special executive council meeting will be the forum for candidate speeches, a question-and-answer session if requested by the executive council, and voting. This meeting could be done online or in-person and will be at the discretion of the chair of the meeting.

If there is only one candidate nominated at the executive council meeting, the acclamation of the candidate can be declared, and no special executive council meeting shall be required.

iii) If there are less than six months left in the term, the vice-president appointed by the executive board shall serve out the term.

e) President

A vice-president shall be appointed by the executive board as an acting president.

i) If the next election is more than 12 months away, a replacement shall be elected as per article 4.

ii) If the next election is 6-12 months away, at the next meeting of the executive council, a president shall be elected from amongst the executive council to serve out the term. At the next meeting of the executive council, a notice of election shall be provided and nominations from the executive council shall take place. Nominations shall close at that meeting and the election process, including access to contact information of voters, shall commence at the adjournment of the executive council meeting. A special executive council meeting shall be called within 10 business days of the adjournment of the executive council meeting with the only agenda item to be the execution of the election. The special executive council meeting will be the forum for candidate speeches, a question-and-answer session if requested by the executive council, and voting. This meeting could be done online or in-person and will be at the discretion of the chair of the committee. If there is only one candidate nominated at the executive council meeting, the acclamation of the candidate can be declared, and no special executive council meeting shall be required.

iii) If there are less than six months left in the term, the vice-president appointed by the executive board shall serve out the term.

f) The by-elections described above shall be conducted as soon as practical in a manner consistent with the procedures set out in the constitution and bylaws.

g) Should a council position remain vacant after the returning officer has bulletined for nominations, candidates from outside the constituency who the electoral committee deem geographically able to represent constituency members, shall be allowed to place their name in nomination. The returning officer shall circulate such nominations to the members in the area asking for further nominations and follow the normal procedures for a by-election.

h) Any member filling a vacancy as per this article shall hold office for the remainder of the term.

10.8 Master Construction Trade Union Benefit Plan

The Master Construction Trade Union Benefit Plan ("MCTUB") is a trusteed hour bank plan providing extended health and dental benefits for MoveUP members working under the terms and conditions of the Construction Industry Affiliated Trade Unions ("CIATU") collective agreement. It is administered by a board of trustees in accordance with the trust agreement.

These trustees are elected by the membership working under the CIATU collective agreement, and this section outlines the procedure that shall apply.

a) The number of trustees and the length of their term shall be as outlined in the MCTUB trust agreement.

b) The election of these trustees shall be overseen by the Returning Officer, in accordance with Article 10.2.

c) Nominations;

   i. In a year where elections are held for trustees, nominations shall be conducted as outlined in this article. Nominations shall be concluded and deemed closed by the returning officer six (6) weeks prior to the date determined for the conduct of the election.

   ii. Such notice shall only be sent to members working under the CIATU collective agreement.

   iii. A member shall need a minimum of 2 members in good standing from within this constituency to nominate them for the position of trustee.

d) Article 10.3 in its entirety applies.

e) Candidate's Information.

   i. Candidates for any position are entitled to have access to the union's membership rolls and the union's voters' list the first working day following the close of nominations in an election year. Such access will be limited to the candidates' prospective constituents and shall include their home addresses and contact information.

   ii. Candidates may prepare a personal profile limited to 150 words which may include a photograph. Where such profile is provided to the returning officer no later than the close of nominations deadline, it will be published and distributed, by the union, to the last known home address of each member entitled to vote for the candidate as well as the website no later than first working day after the date prescribed by the returning officer.

f) Balloting shall be by secret ballot.

g) Counting and publication of results will be conducted as per article 11.3.

ARTICLE 11 – VOTING AND BALLOTING PROCEDURE

Electronic ballots are preferred, however, paper ballots shall be available to any member upon request.

11.1 Secret Ballot

Where MoveUP is required to conduct a vote it shall conduct such votes by secret ballot (paper or electronic) in the manner described in this article where such votes concern:

a) Ratification of a proposed collective agreement.
b) Strike vote.
c) Matters requiring referendum pursuant to the constitution and bylaws.

11.2 Strike Votes and Ratification of Collective Agreements

a) A collective agreement covering members of MoveUP shall not be signed until the proposed agreement has been approved by the majority of the members concerned voting in accordance with the procedures set out in this article.

b) A strike vote affecting members of MoveUP shall not be implemented until approved by the majority of members, in the affected bargaining unit, casting ballots is achieved.

c) All votes taken during the bargaining process, such as contract ratification or job action votes, will require as much notice as possible for the membership, based on the recommendation of the bargaining committee as a whole.

11.3 Counting and Publication of Results – Paper Ballot

a) Upon the completion of voting, the returning officer or the officer's deputies together with necessary poll clerks shall verify the ballot return envelopes against the voters' roll and then count the votes.

b) Where more than one ballot return envelope is received in the name of the same member it is the responsibility of the returning officer to determine which ballot is valid.

c) Where the ballot return envelope is unsigned, the ballots contained in those envelopes shall be treated as spoiled and invalid.

d) Upon completion of the vote counting the returning officer shall report to the president in writing the results of the ballot in the following form:

i) Motion....
ii) Votes in favour....
iii) Votes against....
iv) Spoiled ballots....
v) Result of ballots....

e) The results of the vote(s) will be made available as per the labour code or any other applicable legislation. After receipt of the result of the ballots the president shall announce the results as per article 11.3(d)(v).

11.4 Counting and Publication of Results – Electronic Ballot

a) Upon the completion of voting, the returning officer or the officer's deputies shall verify the ballot results against the voters' roll and then confirm the tabulation of votes.

b) Upon confirmation of the vote tabulation the returning officer shall report the results to the president in the following form:

i) Motion….
ii) Votes in favour….
iii) Votes against….
iv) Result of ballots….

c) The results of the vote(s) will be made available as per the labour code or any other applicable legislation. After receipt of the result of the ballots the president shall announce the results as per article 11.4(b)(iv).

ARTICLE 12 – CONVENTION

12.1 Convention

Convention is the supreme authority of MoveUP, subject to the provisions of this constitution.

Convention will be held between September 1st and November 30th of the year following the executive council elections.

A special convention may be held upon request by a majority of the executive board or the executive council. In addition, a special convention held in accordance with the constitution and bylaws shall be called by the president within thirty (30) days (including notice periods) upon receipt by the secretary-treasurer of a petition signed by not less than twenty-five percent (25%) of the members of MoveUP in good standing. Such petition shall describe, in writing, the matter of business that the membership wishes addressed by the convention.

12.2 Notice

MoveUP will mail a notice of the convention and expression of interest forms to all members at least 90 days prior to convention. All potential delegates shall fill out such expression of interest forms and return them to MoveUP at least 60 days prior to the opening of the convention. Delegates whose forms are not received within the time limits prescribed may be seated by action of the delegates seated at the convention.

12.3 Eligibility and Representation

a) Eligibility will be based upon the most recent monthly per capita membership numbers no later than 100 days from the start of convention.

b) All executive board members are delegates to convention. Councillors and members are eligible to attend the convention as delegates subject to the following conditions. Each council position will be entitled to the following number of delegates:

i) for a council position with up to 33 members – the executive councillor.

ii) for a council position with 34 to 66 members – the executive councillor and one job steward. No single employer bargaining unit of the combined membership group shall have more than one (1) delegate to convention.

iii) for a council position with more than 66 members – the executive councillor and two job stewards. No single employer bargaining unit of the combined membership group shall have more than one (1) delegate to convention, unless the combined council position only has two bargaining units, in which case at least one delegate will be from each unit.

iv) any bargaining unit not otherwise represented in i), ii) or iii) above, shall be entitled to one member at convention.

c) If a job steward is unavailable or unwilling to attend convention, a member may be elected to attend in their place, with voting rights.

The executive councillor shall be the automatic primary delegate to convention for the constituency which they represent. Each executive councillor will be assisting in conducting local elections in order to select any additional delegates, for which their constituency is entitled, to convention. In the event of a dispute, the appeal is to be submitted to the executive board for resolution.

12.4 Resolutions

Members of MoveUP, the executive board and executive council may bring matters before a convention for consideration by means of resolutions in accordance with the following procedure:

a) All resolutions for submission to convention must be received by the executive board at least 90 days prior to convention.

b) An extraordinary resolution may be submitted from the floor but only if it arises in circumstances that prevented the resolution from being submitted in the normal manner.

c) Resolutions submitted from the executive board are not subject to article 12.4(a)

12.5 Quorum

A quorum shall consist of a majority of credentialed delegates in attendance at a convention.

12.6 Convention Voting

Only delegates in attendance at the convention are entitled to vote. Resolutions shall be passed if they receive the appropriate majority vote.

ARTICLE 13 – AMENDMENTS TO THE CONSTITUTION

13.1 Introduction of Amendments

This constitution may be amended by the delegates at convention. Any proposed amendments may be introduced by the executive board, the executive council or by a petition containing the proposed amendments which has been signed by at least 1% of the per capita membership in good standing as of two months prior to the start of convention. Any such petition must also be presented to the executive board at a regular scheduled executive board meeting.

Any such petition must be received by the recording secretary at least 60 days prior to convention.

13.2 Amendment Procedure

Proposed amendments shall be considered at the convention. Emergency amendments may be considered at any convention if introduced by the executive board, executive council or by a petition containing the proposed amendments which has been signed by at least 10% of the per capita membership in good standing as of two months prior to the start of convention.

Such amendments shall be effective only if the following procedure has been complied with:

a) Two-thirds of the eligible delegates voting on the proposed amendments are in favour of the amendments except that changes in dues, initiation fees, and reinstatement fees shall require only a simple majority vote of those members voting on such issue.

b) Notwithstanding the preceding procedure, amendments to article 4.2 and article 9.6 can only be done by referendum vote of the entire membership and shall require only a simple majority of those members voting in order to pass.

13.3 Voting on Constitutional Amendments

Questions may be decided by a voice vote, division, or show of hands.

13.4

Notwithstanding articles 13.1, 13.2 and 13.3, if there are any spelling, grammatical, formatting mistakes that do not materially affect the context/meaning of the constitution, they can be amended in consultation with the president without going to convention.

ARTICLE 14 – Committees

14.1 Standing Committees

Following the convention, standing committees shall be constituted as required by the bylaws of MoveUP. The members and chair of each standing committee shall be appointed by the president in consultation and with the approval of the executive board and with the approval of the executive council. The duties of standing committees shall be as defined by the bylaws and as assigned by the executive board and executive council.

14.2 Special Committees

Special committees may be established by the president, the executive board or the executive council. Upon completion of the work of a special committee, it shall automatically be dissolved. A majority of the members shall constitute a quorum at all meetings of committees.

14.3 Membership of Standing and Special Committees

Membership of standing and special committees shall be open to all members in good standing and associate members of MoveUP except as specifically provided elsewhere within the constitution and except that employees of the union shall be restricted to serving as members ex-officio without voting powers if so appointed by the president.

ARTICLE 15 – ORDER OF BUSINESS

The procedure and order of business at all executive board, executive council and committee meetings shall be in accordance with the regulations as set forth in the bylaws under rules of order.

ARTICLE 16 – PROHIBITED ACTIVITIES

In any case involving disciplinary action, there shall be no resort to a court of law until such recourse within MoveUP under its constitution and within the national union under its constitution has been exhausted.

The following procedures are inapplicable to any matter involving delinquency or failure to pay dues. MoveUP may provide in its bylaws for automatic suspension of any member who is delinquent a minimum of one (1) month in their dues, but in any event any member of MoveUP who becomes three (3) months delinquent in their dues shall be automatically suspended.

If a member has witnessed or been in receipt of actions that they believe are in relation to bullying and/or harassment, MoveUP's bullying and harassment policy shall be followed.

16.1 Complaint

A member who has reasonable grounds to believe that another member has:

a) Committed acts which are detrimental to the welfare of MoveUP;
b) Violated any provision of this constitution or the constitution of the national union;

c) Violated any provision of the bylaws;
d) Violated the members' oath of office or oath of membership;
e) Revealed confidential information about MoveUP to anyone not entitled to such information;
f) Crossed a union picket line;
g) Committed fraud or misrepresentation in connection with a MoveUP election;
h) Engaged in an activity or course of conduct which is detrimental to the welfare or best interests of MoveUP or a union member;

may submit a complaint. The complaint must be filed with the president within ninety (90) days following the date on which the member becomes aware or should have become aware of the circumstances or the actions which form the basis of the complaint. Notwithstanding the above, the president may prolong the aforementioned time limit provided the complainant demonstrates suitable reasons for their delay. The member making the complaint will be referred to as the complainant. The member being complained against will be referred to as the respondent.

16.2 Form of Complaint

a) All complaints should include the following:
   i) The name of the respondent;
   ii) The date or dates of each alleged offence;
   iii) The sections of the bylaws or the constitution of MoveUP, or the constitution of the national union which are alleged to have been violated;
   iv) A brief statement of the facts describing each alleged violation;
   v) The printed name, member ID (if requested by MoveUP), and the signature of the complainant.

b) Any officer or member in good standing is entitled to file complaints.

16.3 Disposition of Complaint

Reasonable notice by MoveUP shall include, but not be limited to, email (with a delivered and read receipt notification) and/or registered mail.

a) Any proceedings shall commence with a complaint filed with the president in writing who shall then submit it to the executive board. The president shall also notify the respondent that a complaint has been filed and the reasons thereof, unless adequate disposition of the complaint requires that the respondent not be informed of the filing of the complaint. To that effect, the president shall consider the seriousness of the prejudice the complaint may cause to MoveUP notably when an allegation is made with regards to the finances, fraud or falsification of documents or books. In the event the president is named in the complaint filed, the secretary-treasurer shall replace them for the purpose of application of these procedures. These procedures apply only to members and officers.

b) The respondent shall have the right to contest such complaint in writing by transmitting their statement to the president within fifteen (15) working days of the respondent being notified of the complaint. The president shall transmit such statement to the executive board and the complainant.

c) It is within the power of the executive board to decide, at its next meeting, to:
   i) Pursue the filed complaint by appointing a trial committee;
   ii) Appoint an investigator(s) to investigate the complaint and to recommend to the executive board whether or not to pursue the complaint;
   iii) Designate a mediator to try to settle the complaint;
   iv) Dismiss the complaint as unwarranted; or
   v) Any combination of these 4 options.

d) The complainant, the respondent, and material witness(es) shall refrain from participating in the executive board's disposition of the complaint under article 16.3(c).

e) Written notification of any action taken shall be sent to the complainant and the respondent within fifteen (15) working days following the decision of the executive board.

16.4 Trial

Reasonable notice by MoveUP shall include, but not be limited to, email (with a delivered and read receipt notification) and/or registered mail.

a) If an investigator(s) is appointed and has determined the complaint has sufficient merit to warrant a trial, the executive board may appoint a trial committee.

b) The trial committee will consist of at least three (3) members to hear the complaint and will hear and receive evidence in accordance with the following principles:
   i) Respondents have the right to know the complaint against them and if necessary to have particulars of the complaint;
   ii) Respondents must be given reasonable notice of the complaint prior to any hearing and must be given reasonable notice of the hearing date;
   iii) The hearing must be conducted in substantial compliance with the intent and purpose of this constitution and the national constitution;
   iv) The trial must be conducted in good faith and without actual bias;
   v) The trial committee is not bound by the strict rules of evidence, however any verdict reached must be based on the actual evidence adduced and not influenced by any matters outside the scope of the evidence;
   vi) The parties have the right to call witnesses and to produce evidence relevant to the complaint and the right to cross-examine any witness. They also have the right to be represented by an advocate or legal counsel at their own expense.

16.5 Decision

Reasonable notice by MoveUP shall include, but not be limited to, email (with a delivered and read receipt notification) and/or registered mail.

a) Upon conclusion of the hearing the trial committee shall, as soon as practicable, publish a written decision and forward it to the executive board and the parties. The written decision will set out detailed reasons for the trial committee's findings.

b) The trial committee shall decide if the respondent has given cause for some degree of discipline and if so, determine the appropriate level of discipline considering all of the circumstances. If appropriate the trial committee may seek further submissions from

the parties before imposing any discipline. Discipline may include, but is not limited to any of the following:

i) reprimand in writing;
ii) fine;
iii) suspension from membership for a specified period of time;
iv) suspension of the right to hold office for a specified period of time;
v) prohibition from holding office;
vi) expulsion from membership;
vii) any combination of the foregoing penalties;
viii) any other disciplinary measures the trial committee deems appropriate.

c) The executive board is bound by the written findings of the trial committee and shall render its decision accordingly.

16.6 Appeals

a) Executive Board Dismissal of a Complaint

i) In the event of the executive board dismissing the complaint, the complainant may, within a period of ninety (90) days, address the complaint to the national president under article 15 of the national constitution. All documents related to the complaint will be transmitted to the national union upon request.

b) Appeal of the Trial Committee's Decision

i) Within fifteen (15) working days of the date the decision is received, either party may appeal to the executive board in writing to the president setting forth the grounds for appeal, with copy to the other party. The opposing party has fifteen (15) working days, from receipt of the appeal, to present their views in writing to the president, with copy to the appealing party.

ii) An appeal filed in accordance with these rules will not defer the imposition of any penalty. A request for the suspension of any penalty must state the reasons supporting the request and shall be filed with the president with copy to the opposing party, who may choose to contest. The executive board shall decide, at its next meeting, on the validity of the request on the basis of the documents presented in support of the request. Suspension of penalty may be granted when the applicant appears to be entitled to it and it is considered to be necessary in order to avoid serious or irreparable injury to them, or a situation of such a nature as to render the judgment in appeal ineffectual. This decision is final.

iii) Upon receipt of the documents mentioned in article 16.6 (b)(i), the president shall transmit them to the executive board for decision at its next meeting. The executive board sitting in appeal shall render any decision that it considers just and reasonable in accordance with the constitution.

iv) The president shall forward the decision of the executive board to the parties.

v) The decision of the executive board is the final avenue of appeal within MoveUP.

MoveUP
TABLE OF AUTHORITIES
CONSTITUTION

DATE	AUTHORITY	ARTICLE	CHANGE
Dec. 7, 1995	1995 Regional Meetings	XV IX	Constitutional Amendment No. 1: Re: Procedure for Voting by Secret Ballot
Dec. 7, 1995	1995 Regional Meetings	VI	Constitutional Amendment No. 2: Re: Duties of the Executive Board
Dec. 7, 1995	1995 Regional Meetings	VI (H)	Constitutional Amendment No. 3: Re: Negotiating Committees
Dec. 7, 1995	1995 Regional Meetings	VI (I)	Constitutional Amendment No. 4: Re: Contract of Local Union Employees
Dec. 7, 1995	1995 Regional Meetings	XI (A) (1)	Constitutional Amendment No. 5: Re: Initiation Fees
Dec. 7, 1995	1995 Regional Meetings	XI (B) (4)	Constitutional Amendment No. 7: Re: Defence Fund
Dec. 7, 1995	1995 Regional Meetings	XI (E)	Constitutional Amendment No. 8: Re: Petty Cash
Dec. 7, 1995	1995 Regional Meetings	I	Constitutional Amendment No. 9: Re: Name and Affiliation
Dec. 7, 1995	1995 Regional Meetings	VI (E) VI (H)	Constitutional Amendment No. 10: Re: Executive Board as Delegates
Dec. 7, 1995	1995 Regional Meetings	III, IV, V	Constitutional Amendment No. 11: Re: Vice President/Directors
June 1995 Nov. 10, 1995	20th International Convention	XVI	*Section A remains. Replace current Section B discipline language with that of OPEIU International Constitution
Nov. 27, 2000	2000 Regional Meetings	VII (M) V (J)	Constitutional Amendment No. 2: Re: Removal of Officers
Nov. 12, 2002	2002 Regional Meetings	XI (B) (6)	Constitutional Amendment No. 1: Re: Defence Fund Transfer of Funds
Nov. 10, 2003	2003 Regional Meetings	IV(B)(1)(b)	Constitutional Amendment No. 1 Re: Executive Council Representation * Amend IV (B)(1)(b) and remove IV (B)(1)(c), (d) & (e)
Apr. 28, 2006	2003 Regional Meetings		Proposed Constitution of COPE Local 378, as recommended for Approval by the COPE 378 Executive Board and Executive Council – approved.
Apr. 25, 2007	2007 Inaugural Convention	3.4 (b) (v)	Constitutional Amendment No. 1 Re: Membership
Apr. 25, 2007	2007 Inaugural Convention	4.3 (b) 4.3 I 4.3 (d) 4.3(e)	Constitutional Amendment s No. 2, 3, 4 and 5 Re: Executive Board
Apr. 25, 2007	2007 Inaugural Convention	6.1 (a) 6.2 (k)	Constitutional Amendment No. 6 and 7 Re: Duties of the Executive Board
Apr. 25, 2007	2007 Inaugural Convention	7.2 (b) 7.2 I	Constitutional Amendment No. 8 and 9 Re: Executive Council
Apr. 25, 2007	2007 Inaugural Convention	9.6 (b) 9.9 (d)	Constitutional Amendment No. 10 and 11 Re: Trustees, Auditors and Union Funds
Apr. 25, 2007	2007 Inaugural Convention	10.2 I 10.5 I 10.8 (d)	Constitutional Amendment No. 12, 13 and 14 Re: Election Procedure
Apr. 25, 2007	2007 Inaugural Convention	10.8 I (iii) 11.3 11.3 (d)	Constitutional Amendment No. 25, 26 and 27 Re: Election Procedure
Apr. 25, 2007	2007 Inaugural Convention	11.2 (f)	Constitutional Amendment No. 15 Re: Voting and Balloting Procedure

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Apr. 25, 2007	2007 Inaugural Convention	12.1 12.2 12.3 12.4 (a) (i), (ii) and (iii) 12.5 (a)	Constitutional Amendment No. 16, 17, 18, 19, 20 and 21 Re: Convention
Apr. 25, 2007	2007 Inaugural Convention	14.1	Constitutional Amendment No. 22 Re: Committees
Apr. 25, 2007	2007 Inaugural Convention	16.2 (b) (iii) 16.5 (a), (c), (e), (f), (g), (s), (t), (u), (v), (w), (x), (y), (z) and (z) (i)	Constitutional Amendment No. 23 and 24 Re: Discipline
Jan. 24, 2008	Executive Board Meeting	10.8 c) iv)	Housekeeping amendment Reference to 10.7 b) – changed to 10.8 b).
Nov. 4, 2009	2009 Convention	4, 4.3 c), d) and e) 4.4 and 4.4 i)	Electoral Committee shall establish the number and composition of the Executive Board components in compliance with the Bylaws and with Executive Council approval. Change of secret ballot elections by Executive Board, Councillors and Job Stewards for Table Officer positions at Convention. Removal of - only 2 Vice Presidents if one unit has more than 60% of the membership.
Nov. 4, 2009	2009 Convention	7, 7.2 b) and d), 7.4 g) and h)	Executive Council governs the Union, with established convention policies, between conventions, unless otherwise set out by the Constitution. Council members numbers minimum not to be <1 per 100. Newly organized units need not be party to a collective agreement to elect Councillors. Removal of Chief Job Steward references.
Nov. 4, 2009	2009 Convention	8.1 c) and d), 8.3	Job Stewards and their election defined.
Nov. 4, 2009	2009 Convention	9, 9.1, 9.2, 9.13	Replacing Trustees with Audit Committee, defining the Audit Committee and their duties.
Nov. 4, 2009	2009 Convention	10.1 b), i) and ii), 10.2 d), 10.4, 10.9	Defining election procedure for Executive Board, Council and Job Stewards. Nomination duties of Returning Officer outlined. Appointment and election terms defined for Returning and Deputy Returning Officer s. Vacancies of either President or Secretary-Treasurer shall be filled by appointment by the Executive Board. Moving procedures to Bylaws.
Nov. 4, 2009	2009 Convention	12.1, 12.2, 12.3 and 12.4	Defining Convention with removal of words Policy and Constitutional Conventions. Defining Notice of Convention, eligibility and representation.
Nov. 4, 2009	2009 Convention	13.1 and 13.2	Amendment proposal procedure and introduction by petition from membership in good standing 2 months prior to start of Convention and define Amendment Procedure by removal of words Policy and Constitutional Conventions
Dec. 5, 2011	2011 Special Convention	9.10 b c d e h	Constitutional Amendment C1 and C2 Re: Defence Fund
Nov. 17, 2012	2012 Convention	4.6 7.2d	Constitutional Amendment C1 and C2 Re: Oath of Office
Nov. 17, 2012	2012 Convention	3.3	Constitutional Amendment C3 Re: Member in Good Standing
Nov. 17, 2012	2012 Convention	4.3	Constitutional Amendment C4 Re: Election of Executive Board
Nov. 17, 2012	2012 Convention	4.4	Constitutional Amendment C5 Re: Election of Vice-Presidents

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Nov. 17, 2012	2012 Convention	9.1 9.2	Constitutional Amendment C6 and C7 Re: Audit Committee
Nov. 17, 2012	2012 Convention	9.7	Constitutional Amendment C8 Re: Organizing Fees
Nov. 17, 2012	2012 Convention	9.9	Constitutional Amendment C9 and C10 Re: Assessments
Nov. 17, 2012	2012 Convention	9.10	Constitutional Amendment C11 Re: Defence Fund
Nov. 17, 2012	2012 Convention	10.1	Constitutional Amendment C12 Re: General Election
Nov. 17, 2012	2012 Convention	10.5	Constitutional Amendment C13 and C14 Re: Nominations
Nov. 17, 2012	2012 Convention	10.7	Constitutional Amendment C16 Re: Vacancies
Nov. 17, 2012	2012 Convention	10.8 11.1 11.2 11.3	Constitutional Amendment C17, C18, C19 and C20 Re: Balloting Procedure and Voting
Nov. 17, 2012	2012 Convention	12.6	Constitutional Amendment C21 Re: Convention Voting
Nov. 17, 2012	2012 Convention	5.1	Constitutional Amendment C22 Re: Duties of President
Nov. 17, 2012	2012 Convention	12.1	Constitutional Amendment C23 Re: Convention
Nov. 17, 2012	2012 Convention	4.4	Constitutional Amendment C24 Re: Election of Vice Presidents
Nov. 17, 2012	2012 Convention	10.5 10.6	Constitutional Amendment C25 and C26 Re: Election Procedures – Nominations and Candidate Information
Nov. 7, 2015	2015 Convention	2	Constitutional Amendment C1 Re: Purposes and Aims
Nov. 7, 2015	2015 Convention	3.3	Constitutional Amendment C3 Re: Member in Good Standing
Nov. 7, 2015	2015 Convention	4.3	Constitutional Amendment C4 and C5 Re: Election of Executive Board
Nov. 7, 2015	2015 Convention	5.1	Constitutional Amendment C6 Re: President
Nov. 7, 2015	2015 Convention	5.2	Constitutional Amendment C7 Re: Secretary-Treasurer
Nov. 7, 2015	2015 Convention	5.3	Constitutional Amendment C8 Re: Vice-Presidents
Nov. 7, 2015	2015 Convention	5.4	Constitutional Amendment C9 Re: Table Officers
Nov. 7, 2015	2015 Convention	6.2	Constitutional Amendment C10 Re: Duties of the Executive Board
Nov. 7, 2015	2015 Convention	7.2	Constitutional Amendment C11 and 12 Re: Election of Councillors
Nov. 7, 2015	2015 Convention	7.4	Constitutional Amendment C13 and 14 Re: Duties of the Executive Council
Nov. 7, 2015	2015 Convention	9.6	Constitutional Amendment C15 Re: Dues
Nov. 7, 2015	2015 Convention	9.7	Constitutional Amendment C16 Re: Organizing Fees
Nov. 7, 2015	2015 Convention	9.10	Constitutional Amendment C17 Re: Defence Fund
Nov. 7, 2015	2015 Convention	9.11	Constitutional Amendment C18 Re: Contingency Fund – Delete and renumber remaining
Nov. 7, 2015	2015 Convention	9.14 (old 9.15)	Constitutional Amendment C19 and 20 Re: Budget

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Nov. 7, 2015	2015 Convention	10.5	Constitutional Amendment C21 Re: Nominations
Nov. 7, 2015	2015 Convention	11.3	Constitutional Amendment C22 Re: Counting and Publication of Results
Nov. 7, 2015	2015 Convention	16.2	Constitutional Amendment C23 Re: Form of Charges
Nov. 7, 2015	2015 Convention	Housekeeping	Constitutional Amendment C24 Re: Replace COPE378 with COPE 378
Nov. 7, 2015	2015 Convention	Housekeeping	Constitutional Amendment C25 Re: Replace Triennial with Executive Council
Nov. 7, 2015	2015 Convention	Housekeeping	Constitutional Amendment C26 Re: Fix hyphenating of Vice-President, Secretary-Treasurer and Bylaws
Nov. 7, 2015	2015 Convention	Housekeeping	Constitutional Amendment C27 Re: Change to Canadian spelling throughout
Nov. 7, 2015	2015 Convention	Housekeeping	Constitutional Amendment C28 Re: Renumber articles, sub-articles and references
Sept 30, 2016	2016 COPE/SEPB National Convention (June)	6.2	Adding duties to Recording Secretary role
Sept 30, 2016	2016 COPE/SEPB National Convention (June)	5.2	Adding duties to the Secretary-Treasurer role
Sept 30, 2016	2016 COPE/SEPB National Convention (June)	4.6 and 7.2	Update Oath of Office
November 2018	2018 Convention	Housekeeping	Constitutional Amendment C6 References to Articles formatting
November 2018	2018 Convention	Housekeeping	Constitutional Amendment C5 Referencing “he/she” to “they”
November 2018	2018 Convention	Housekeeping	Constitutional Amendment C4 Changes to COPE Local 378, Union to MoveUP
November 2018	2018 Convention	10.1 b) ii) iii) iv)	Constitutional Amendment C1 General elections
November 2018	2018 Convention	10.8	Constitutional Amendment C2 Master Construction Trade Union Benefit Plan New language
November 2018	2018 Convention	11.2 c)	Constitutional Amendment C3 Strike Votes and Ratification of Collective Agreements New language
November 2018	2018 Convention	16.2 b) v)	Constitutional Amendment C7 Form of Charges
September 2019	2019 COPE/SEPB National Convention (June)	3.1	Constitutional Amendment-Governing Members New language
September 2019	2019 COPE/SEPB National Convention (June)	5.1 b) vii)	Constitutional Amendment-Duties of President New language
September 2019	2019 COPE/SEPB National Convention (June)	5.1 d)	Constitutional Amendment-Duties of President New language
September 2019	2019 COPE/SEPB National Convention (June)	9.12	Constitutional Amendment-Duties of Secretary-Treasurer New language
March 2021	Housekeeping	4.6 7.2 d)	Oath of Office New Language
October 2021	2021 Convention	9.10	Constitutional Amendment C1 Changes to Defence Fund
October 2021	2021 Convention	9.6	Constitutional Amendment C2 Changes to Dues re Defence Fund
October 2021	2021 Convention	16	Constitutional Amendment C3 Changes re Prohibitive Activities/Discipline
October 2021	2021 Convention	4.2	Constitutional Amendment C4 Changes re Officer Compensation

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October 2021	2021 Convention	4.5	Constitutional Amendment C5 Changes re Officer Compensation
October 2021	2021 Convention	5.3	Constitutional Amendment C6 Changes re Officer Compensation
October 2021	2021 Convention	4.4	Constitutional Amendment C7 Changes re Officer Compensation
October 2021	2021 Convention	10.1	Constitutional Amendment C8 Changes re Election Procedure
October 2021	2021 Convention	10.5	Constitutional Amendment C9 Changes re Election Procedure
October 2021	2021 Convention	10.6	Constitutional Amendment C10 Changes to Election Procedure-Candidates Info C11,12,15,16, 18-Bylaw 3 changes re Balloting Procedure
October 2021	2021 Convention	10.8(g)	Constitutional Amendment C13 Changes re Balloting Process
October 2021	2021 Convention	11	Constitutional Amendment C14 Changes re Balloting Process
October 2021	2021 Convention	11	Constitutional Amendment C17 Changes re Electronic Preferred Voting
October 2021	2021 Convention	4	Constitutional Amendment C19 Changes re All EC and EB act as Job Stewards
October 2021	2021 Convention	6.2(g)	Constitutional Amendment C20 Changes re All EC and EB act as Job Stewards
October 2021	2021 Convention	7	Constitutional Amendment C21 Changes re All EC and EB act as Job Stewards
October 2021	2021 Convention	7.4	Constitutional Amendment C22 Changes re All EC and EB act as Job Stewards
October 2021	2021 Convention	8.2	Constitutional Amendment C23 Changes re All EC and EB act as Job Stewards
October 2021	2021 Convention	9.9	Constitutional Amendment C24 Changes re Special Assessments
October 2021	2021 Convention	12.3	Constitutional Amendment C25 Changes re Eligibility to Attend Convention
October 2021	2021 Convention	6.2 and New 5.2(k)	Constitutional Amendment C26 Changes re Recording Secretary Role
October 2021	2021 Convention	4.3(e)	Constitutional Amendment C27 Housekeeping
October 2021	2021 Convention	7.2(b)(iii)	Constitutional Amendment C28 Housekeeping
October 2021	2021 Convention	13.4	Constitutional Amendment C29 New 13.4 re Housekeeping Changes approved by President without going to Convention
October 2021	2021 Convention	10.7(c)(iii)	Constitutional Amendment C30 Housekeeping
May 2024	Article 13.4 – Presidential approval	7.4	Housekeeping – Reserve Fund to Reserve Funds
September 2024	Convention	4.3	Constitutional Amendment CB-2 Change to Election of Vice-Presidents
September 2024	Convention	5.1 c) 5.2 l) 5.3 j)	Constitutional Amendment CB-4 Changes to Unavailability of Table Officers
September 2024	Convention	9.11 & 9.12	Constitutional Amendment CB-5 Changes to Petty Cash Language
September 2024	Convention	10.1	Constitutional Amendment CB-6 Changes to Voting Period for General Elections
September 2024	Convention	10.5	Constitutional Amendment CB-7 Changes to Nominations
September 2024	Convention	10.7	Constitutional Amendment CB-8 Changes to Vacancies for Table Officers

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September 2024	Convention	14.1	Constitutional Amendment CB-9 Changes to Standing Committees
September 2024	Convention	16.3	Constitutional Amendment CB-10 Changes to Disposition of Complaint
September 2024	Convention	16.4	Constitutional Amendment CB-11 Changes to Trial Language
September 2024	Convention	16.5	Constitutional Amendment CB-12 Changes to Decision
September 2024	Convention	16.6	Constitutional Amendment CB-13 Changes to Appeals Process
September 2024	Convention	16	Constitutional Amendment CB-14 Changes to Prohibited Activities