

DRAFT By-laws  
The Canadian Freelance Union,  
Local 2040

Of the

Communications, Energy and Paperworkers  
Union of Canada



# Index

Article I – Name and Jurisdiction.....	1
Article II – Objects.....	1
Article III – Headquarters.....	2
Article IV – Meetings.....	2
Article V – Officers.....	3
Article VI – Trustees.....	6
Article VII – Executive Board.....	7
Article VIII – Committees.....	8
Article IX – Conduct of Elections.....	8
Article X – Membership.....	9
Article XI – Transfers and Withdrawals.....	10
Article XII – Property.....	11
Article XIII – Expenses.....	11
Article XIV – Constitution of Communications, Energy and Paperworkers Union of Canada.....	11
Article XV – Discipline, Trials and Appeals.....	12
Article XVI – Assessments.....	12
Article XVII – By-laws – Adoption and Amendments.....	12

# Draft By-laws

## ARTICLE 1 Canadian Freelance Union

Section 1. This organization shall be known as The Canadian Freelance Union, CEP Local 2040 (Hereinafter called the “Local”).

Section 2. This Local has been established and exists by virtue of a charter issued by the Communications, Energy and Paperworkers Union of Canada (hereinafter called the “National Union”) pursuant to the Constitution of the National Union.

## ARTICLE II OBJECTS

Section 1. The purpose and objects of this Local are to unite all workers within its jurisdiction for the following purposes;

- a) To organize persons engaged within the jurisdiction of the Local and assist in the organization of all working people;
- b) To improve wages, hours of work, employment security and other conditions of employment through collective bargaining;
- c) To strive for equality regardless of race, creed, colour, age, marital status, family status, ancestry, place of origin, ethnic origin, citizenship, language, religious beliefs, sex, sexual orientation, disability, records of offence or political affiliation;
- d) To assist in advancing the social, economic and general welfare of working people through political, educational, civic and other activities;
- e) To safeguard, protect and extend freedom, civil liberties, democracy and democratic trade unionism;
- f) To engage in political activities to secure beneficial legislation and obtain the defeat and repeal of harmful legislation;
- g) To focus primarily on the organization of freelance professionals, self-employed workers and owner-operators, proprietorships and other employee-owned cooperative ventures to secure rights and freedoms, working standards and conditions and benefits, and further establish a cooperative community of support and interest in the tradition of the labour movement, and to develop and maintain professional standards and promote efforts for greater democracy in our economy and business structures.

- h) To aid and co-operate with other trade unions and other organizations whose purposes are in accord with the purposes of this union, and to affiliate with organizations which meet our goals and to participate in such organizations.

## Section 2.

This Local shall endeavour to accomplish the foregoing purposes by organizing the unorganized workers within its jurisdiction, educating its membership, negotiating collective bargaining agreements with employers, securing progressive legislation, and by all other appropriate means within the National Union.

Further, this Local shall endeavour as part of its core activities to apply the values and traditions of the labour movement to organize, educate, assist, defend, secure standards and offer mutual support for [freelance professionals, self-employed workers and owner-operators, proprietorships and other employee-owned cooperative ventures] who, due to their employment situation, may not be entitled to certification or protections from current labour codes, employment standards, workers' compensation or other progressive legislation.

## ARTICLE III HEADQUARTERS

The headquarters and main office of this local shall be as determined by the executive board.

## ARTICLE IV MEETINGS

Section 1. The Annual General Meeting is the highest authority of the Local. All officers, the Executive Board, and all other committees of the Local are accountable to the membership of the Local.

### Section 1 a). The Annual General Meeting

The Annual General Meeting is the highest authority of the Local. Officers, the Executive Board, Committee Chairs and any specially appointed persons shall report to the Annual General Meeting on their activities. The Annual General Meeting shall:

#1. Receive and approve the previous year's (audited) financial statements of the Local.

#2. Select an auditor for the current year (if this is relevant).

#3. Elect the Executive Board members as necessary.

#4. Vote on any proposed by-law changes.

Section 1 b). The Annual General Meeting - timing

The Local shall normally meet via Electronic means. Meetings shall take place annually at the call of the Executive Board, or at any other time as deemed necessary by the Executive Board or prescribed by the membership (see Sec. 1 c), provided that a minimum of three weeks notice is given to all members via electronic means (Ex. the Local's e-mail Bulletin, Discussion boards, website, etc.).

Section 1 c). Special Meetings

The President may call a Special Meeting. The President may call such a meeting at the request of the Executive Board or on the written request of 33 per cent of the members in good standing. Notice of a Special Meeting shall be given to the members electronically. The notice shall include the date, time and place of meeting and state the purpose for which the meeting is called. No business other than that for which the meeting is called may be transacted.

Section 1 d). Quorum & voting

A quorum for the purpose of transacting any business at the Annual General Meeting, or Special Meetings shall consist of not less than 20 participating members, or 1/3<sup>rd</sup> of the membership, whichever is less. No action of any meeting shall be invalid for lack of a quorum unless the question of lack of a quorum was raised before such action was taken.

Unless otherwise specifically provided by the By-laws, all decisions shall be by a majority of the members voting. The rules of order not specifically covered by these By-laws or the Constitution of the National Union shall be in accordance with Bourinot's Rules of Order or Robert's Rules of Order.

Section 2 a). Bargaining Units

The Local may authorize a bargaining unit or group within a unit to hold regular or special meetings, as may be required, to transact bargaining unit matters or address special concerns.

Section 2 b). Unit groups will not take any action which conflicts with either the Local Union By-laws or National Union Constitution. All actions not specifically authorized by any unit group shall be subject to review by the Local Union.

## ARTICLE V            OFFICERS AND EXECUTIVE MEMBERS

In compliance with CEP Policy 913 on Equality and Human Rights, special attention should be paid to representation and inclusion of women and other designated groups on the Executive Board and standing committees.

Section 1.    a). The officers of this Local shall be a President, a Vice-President, Secretary and Treasurer. The President and Vice-President shall be elected by the entire membership (members in good standing). The Secretary and Treasurer officers shall be selected by the Executive Board from members of the Executive Board.

b). In addition to the President and Vice-President, the Executive Board shall consist of Five National Representatives, each representing a region of the country. The Five regions are as follows: BC-Yukon; Prairie Provincial and Territories; Ontario; Quebec; Maritimes-Newfoundland. Each regional representative shall be elected directly by the members in good standing in that respective region.

### Section 2.    Nominations and Elections

All Board members shall be elected every three years at a special election meeting.

Nominations for all officers shall be made at least three weeks prior to any Special Meeting held for the purposes of electing executive members. No nominee shall be placed on the ballot unless he/she signified his/her acceptance of the nomination either in person or by written notification via e-mail to the discussion and bulletin boards submitted to the meeting at which nominations are made. Only votes for candidates duly nominated and properly on the ballot shall be counted. There shall be no proxy, write-in or sticker voting. No member may be a candidate for more than one office.

### Section 3.    Eligibility

No member shall be eligible for nomination or election to any office in this Local, or as a delegate to the National Union Convention or as a representative of this Local, or any subordinate body of the National Union unless he/she has been a member in good standing in this Local continuously for one year immediately preceding his/her election.

Section 4. Term of Office

All officers shall hold office until their successors are elected and installed. Installation of officers shall be held at the next Executive Board meeting after the election. The outgoing officers shall immediately turn over all papers, money, rights, titles, chattels, books, records, property and assets belonging to the Local to their successor or to the President of the Local.

Section 5. Vacancies

In case of vacancy in the office of President, the Vice-President shall immediately assume all responsibilities of that office until a successor President has been elected. Vacancies in other offices shall be filled by appointment of the Executive Board of the Local. This appointment shall be in force until the next special election meeting to be held within the year.

Section 6. Responsibilities of the President

The President shall:

- preside at all meetings of the Local Union and its Executive Board;
- sign all cheques or other authorizations for the withdrawal of the funds of the Local Union;
- be an ex officio member of all Local Union committees, unless the Local Union shall provide otherwise and subject to the approval of the Local Union Executive Board;
- enforce the National Constitution, Local Union By-laws and all union rules and regulations.
- Oversee the continued operation of the list serve, web site and related communication systems for the local.

Section 7. Responsibilities of the Vice-President

The Vice-President shall:

- assist the President in the performance of his/her duties. The sole Vice-President or the First Vice-President shall act for the President in his/her absence and in the event of a vacancy in the office of President, shall succeed to the office of President for the unexpired term, or until a new President is elected.

Be responsible for coordinating and overseeing all organizing activities, benefit plan administration and all specific projects taken on by the local or any of its sub-committees.

#### Section 8. Responsibilities of the Secretary

The Secretary shall:

- keep correct minutes of all meetings of the Local Union and its Executive Board;
- conduct all correspondence of the Local Union;
- receive and read all correspondence addressed to the Local Union and keep such correspondence on file;
- have charge of the seal of the Local Union, which he/she shall ensure is used only as authorized and shall attach same to all documents requiring authentication;
- submit such reports and information to the National President as the National President may require.
- Work with the President to ensure the continuous operation of all communication systems within the local and between the local and other CEP bodies, including other locals and the National and Regional offices.

#### Section 9. Responsibilities of the Treasurer

The Treasurer shall:

- collect all monies to the Local Union, including membership dues, fines and assessments;
- deposit same in the name of the Local Union in such bank or banks as the Local Union Executive Board may direct;
- countersign all cheques or other authorizations for the removal of the funds of the Local Union;
- keep true and accurate accounts of all transactions;
- make reports thereon to the Local Union and its Executive Board;
- keep a record of the names and addresses of all members of the Local Union and their status;

- submit a written report of the finances and the membership of the Local Union to the National Union in such manner and at such times as the National President or National Secretary-Treasurer may require;
- make all of his/her books and records available for examination and audit, on demand of the National President.

Section 10: duties of the regional representatives

The Regional Representatives shall:

Represent the membership in their respective region in accordance with the CFU bylaws, CEP National Constitution and rules as adopted by the CFU from time to time

Be responsible for assisting and providing services to the CFU members in their respective region

Seek and encourage input and feedback from the membership in their respective regions on the issues affecting them and on the operation of the CFU

Ensure that CFU activities and campaigns, as determined by the Executive Board, are carried out in their respective regions

Keep up to date on the developments of both CFU campaigns and general trends in their regions and report these to the Executive Board and membership

Assist the President, Vice President, Secretary and Treasurer as needed to the best of their ability

ARTICLE VI TRUSTEES

Section 1. The Local Union shall have three trustees. The trustees will be elected by the membership each year during the Annual General Meeting.

Section 2. Duties of the Trustees

The Trustees shall examine the books and records of the Local Union at least four (4) times a year and shall submit a written report on each audit to the Local Union and to the National Secretary-Treasurer in such manner and at such times as the National Secretary-Treasurer may require, and have such further powers and duties as may be provided by the Local Union By-laws.

The trustees shall also work with the Vice-President to ensure the operation of the local's health and Welfare, pension or retirement savings and related plans.

## ARTICLE VII EXECUTIVE BOARD

- Section 1. There shall be an Executive Board consisting of the President, Vice-President and five regional representatives (see Article V, Section 1).
- Section 2. The Executive Board shall be the highest governing authority within the Local between meetings of the Local and shall exercise general supervision over its business and affairs. It shall have power, subject to the provisions of the National Union Constitution, to invest the funds and properties of the Local, to authorize the expenditures of the Local or the use of the property of the Local to give effect any of its objects and to pledge any property or securities of the Local as security therefore, and to buy, sell, exchange, rent, lease or otherwise acquire or dispose of real or personal property, and shall fix the salaries or honoraria, if any, of the elective officers and any employees.
- Section 3. The Executive Board shall have such powers as are necessary and appropriate to give effect to the purposes of the Local. It shall present a report of its activities to each meeting of the Local.
- Section 4. All requests for contributions or donations to individuals or organizations shall first be submitted to the Executive Board for its consideration and recommendations, before being received by the Local. Requests for financial aid from a Local of the National Union shall require the endorsement of the National President before consideration shall be given to it.
- Section 5. It shall be the duty of the Executive Board to cause the provisions of the National Union Constitution and the By-laws, rules and regulations of this Local to be faithfully executed; and to preserve, promote and safeguard the best interests and general welfare of the Communications, Energy and Paperworkers Union of Canada, this Local and the members. The Executive Board may adopt such rules and regulations not in conflict with the National Union Constitution and these By-laws, as it may deem necessary and advisable.
- Section 6. a) The Executive Board shall meet at least once a month. Electronic meetings shall be considered regular meetings.
- b) Special meetings of the Executive Board may be called at any time by the President or by three members of the Board upon not less than one day verbal or written notice to the Executive Board members of the time and place of the meeting and of the business to be transacted thereat.

- c) In-person meetings of the executive shall take only under special circumstances. Travel, accommodation and other out-of-pocket expenses shall be covered by the local.
- d) A majority of the members of the Executive Board shall constitute a quorum for the transaction of any business.

## ARTICLE VIII COMMITTEES

### Section 1. Standing Committees

The Local shall have the following standing committees:

a) Legislative Committee

It shall be the duty of the Legislative Committee to study and report to the Local on proposed or existing legislation affecting the welfare of the Local or the membership and to promote and organize appropriate political action.

b) Education Committee

It shall be the duty of the Education Committee to organize, promote, develop, supervise and direct labour education among the members of the Local by organizing classes and study circles through which the workers shall be informed on labour history, labour economics, industrial unionism, economic democracy and current events, to the end that the members shall be able to intelligently seek to improve their work lives.

c). Industry Committee

It shall be the duty of the Industry Committee to monitor and examine business practices and activities which affect members of the Local.

d). Elections & Nominating Committee

It shall be the duty of the Election Committee to safeguard the secrecy and integrity of the election. The committee will also help recruit new nominees for the various governing bodies of the Local.

Section 2. The Executive Board may appoint such committees as it shall deem advisable from time to time to investigate and report to the Board on certain matters and to carry out certain tasks or projects.

ARTICLE IX            CONDUCT OF ELECTIONS

Section 1.    Notices as to the date of nominations and elections and Officers shall be made electronically, not less than fifteen (15) days in advance. Reasonable efforts shall be made to notify all members.

Section 2.    The election of officers and regional representatives shall be by majority vote of the votes cast in a secret ballot at the election meeting conducted electronically--Not less than fifteen (15) days prior to the election, notice of election shall be posted. In the event no candidate for office receives a majority of the votes cast, the two nominees receiving the greatest number of votes on the first ballot shall be the nominees on the second ballot and the balloting shall continue either at the same meeting or at the next regular meeting or special meeting as determined by membership vote.

Each member shall be entitled to one vote. There shall be no absentee voting, and no voting by proxy, write-in or striker.

Section 3.    The Elections Committee shall safeguard the secrecy and honesty of the election and announce the results of the election in a signed statement. The Elections Committee shall preserve all ballots and other records pertaining to the election for one year after the election. In cases of an election complaint, the complaining member or candidate shall submit the complaint in writing to the Secretary within forty-eight (48) hours after the election results have been announced (with a copy at the same time to the National President). Then the Secretary will forward the complaint to the Chair of the Elections Committee within forty-eight (48) hours. Such complaint shall be heard and determined promptly by the Elections Committee. A new election may be ordered only if it is determined that the matter complained of might reasonably have changed the results of the election.

ARTICLE X            MEMBERSHIP

Section 1.    Eligibility

- a)    Any worker within the jurisdiction of this Local shall be eligible to apply for membership in this Local.
- b)    any worker who pays the initiation fee and maintains their membership in accordance with sections 2 and 3 shall be considered a member in good standing with all rights and responsibilities thereof.

Section 2.    Pledge for New Members

All eligible members, before being admitted to full membership, shall subscribe in writing either in print or via e-mail to the following obligation:

"I, (name of individual), pledge my honour to faithfully observe the Constitution and laws of this Union; to comply with all the rules and regulations for the government thereof; not to divulge or make known any private proceedings of this Union.

### Section 3. Revenue

- a) Dues shall be \$125 per year.
- b) Per capita to the National Union shall be as provided in the Constitution of the National Union.
- c) Each member of this Local shall pay dues to the Local Union quarterly (every three months), via void check through their checking account, credit card deduction or post-dated checks or money orders.
- d) In addition, there shall be an assessment of two (2) per cent of gross earnings from any job or project each member attains from the local's marketing/virtual hiring hall web site.
- e) A member in default, without good cause, in the payment of dues, fines, assessments, for ninety (90) days from the date such amount becomes due, may be suspended from the rights of membership and if the default continues without good cause for an additional thirty (30) days after notice in writing by the National Secretary-Treasurer, may be expelled from the Union.
- f) Any member who has been suspended for non-payment of dues, fines or assessments, may be reinstated upon payment for a reinstatement fee of ten dollars, together with a new initiation fee and all dues due at the time of his/her suspension.

### Section 4: Extra Work and additional workers:

- a) Any person hired by a CFU member as an employee, be it full or part time, temporary or permanent, waged, salaried or on commission must either be an existing member in good standing of at least one CEP local or immediately become a member of the CEP.

### Section 5: Assigned out-sourced or contracted work

- a) All CFU members needing to contract out work on their projects shall endeavour to the best of their ability to use contractors that are self-employed union members or use union labour as their employees. Preferably, if possible, these should be CEP members.

- b) CFU members are encouraged, when seeking additional help for various projects, to check the union's web site to hire or contract additional help.

#### Section 6: Minimum Working Standards

- a) All CFU members agree to charge out their services as an absolute minimum no less than the comparable full pay package rates as prescribed in the collective agreements of CEP members in their local area, plus overhead costs.
- b) All CFU members are free to negotiate pay and working conditions above these minimum standards, as outlined in Section 6 a), as they see fit or as market conditions determine
- c) The CFU may set fee and compensation schedules and guidelines as determined by the members via general meeting, in accordance with Section 1.

#### Section 7: Benefits and Services

- a) The CFU shall operate benefit plans and similar programs as directed by the membership via elected trustees in accordance with Article VI.
- b) Benefit entitlement is subject to maintaining membership in good standing as per Article X Section 1

### ARTICLE XI TRANSFERS AND WITHDRAWALS

Section 1. Any member who is in good standing and has paid his/her dues for the month in which a transfer is requested, may transfer his/her membership to another Local of the National Union. Upon application he/she shall receive a transfer card to the Local to which he/she desires to be transferred valid for no more than three months.

Section 2. Any member who is in good standing and has paid his/her dues for the month in which withdrawal is requested, may withdraw from membership upon leaving employment within the jurisdiction of the National Union, and shall receive a withdrawal card. Thereafter, the withdrawing member shall lose all rights and privileges of a member of this Local and the National Union and shall be exempt from the payment of further dues and assessments.

A member who has withdrawn may subsequently be reinstated without any break in his/her membership standing and without payment of an initiation fee if the withdrawal card is presented to the Secretary of the Local having jurisdiction of the members within thirty (30) days of the return to the Union's jurisdiction. Failure to present the card within the time limit specified herein shall void the rights and privileges granted by such withdrawal card.

## ARTICLE XII          PROPERTY

No funds or property of this Local shall be given away or expended to assist any seceding, dual or antagonistic organization, or any local which is violating the Constitution of the National Union. The funds and property of this local shall be used only to give effect to the purposes and objects of this local under and subject to the provisions of the National Union Constitution.

## ARTICLE XIII        EXPENSES

- Section 1.    When on Local or bargaining unit business, Executive Board members or other previously authorized member(s) shall, upon presentation of receipt, be reimbursed for loss of pay, lodging and travelling expenses.
- Section 2.    Use of personal vehicle for union business should be reimbursed at an amount to be determined by the executive at the appropriate time in accordance with CEP Policy 501.
- Section 3.    When previously authorized, a per diem will also apply when on local or bargaining unit business in an amount to be determined by the executive at the appropriate time in accordance with CEP Policy 501.
- Section 4.    In all cases, authorization must be obtained before any expenses are incurred.

## ARTICLE XIV        CONSTITUTION OF COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA

All the terms and provisions of the Constitution of the National Union shall be deemed a part of these By-laws.

In the event of a conflict between these By-laws and the provisions of the Constitution of the National Union, the Constitution of the National Union shall prevail.

This local has no power to make any contract or incur any liability binding upon the National Union, without the written consent of the President of the National Union and the approval of the National Executive Board. The National Union shall not be liable under any contract or for any acts of this Local or its officers or its members unless they have been authorized in writing to enter into such contract or perform such acts.

#### ARTICLE XV DISCIPLINE, TRIALS AND APPEALS

Every member of this union shall be entitled to a just and impartial trial for any offence of which he may be charged, in accordance with Article 17 of the National Constitution.

#### ARTICLE XVI ASSESSMENTS

The Executive Board of this Local shall have the power to levy a per capita assessment, in addition to dues, upon the members of this Local provided that the amount and method of payment of such assessment has first been approved by the majority of those voting in a secret ballot among the members in good standing of the Local either at a regular or special meeting or in a membership referendum. Notice of the proposed assessment shall be given to the members at least ten (10) days before the vote is to be taken.

#### ARTICLE XVII BY-LAWS – ADOPTION AND AMENDMENTS

Section 1. These By-laws shall become effective when ratified by a majority of the members present at a meeting and approved by the National Union President.

Section 2. Any provision of these By-laws may be modified, amended or repealed, or new By-laws may be adopted, by the affirmative vote of two-thirds of the members voting on the question, at a regular meeting, or special meeting called for that purpose, provided, however, that notice of the proposed amendment, modification or repeal has been given to the members at the previous regular meeting; and further provided that if an amendment shall alter the amount of the initiation fee or dues as fixed by Article X of these By-laws, the vote must be taken by secret ballot and after at least ten days' notice of the intention to vote upon the question. This Local has no power to modify, amend or repeal any of the terms and provisions of the Constitution of the National Union.

Presented at the Annual General Meeting \_\_\_\_\_

Approved at the Annual General Meeting \_\_\_\_\_

Signed \_\_\_\_\_  
Secretary

Approved by \_\_\_\_\_  
President

Date \_\_\_\_\_

OBLIGATION OF LOCAL UNION OFFICERS

I, \_\_\_\_\_, do solemnly affirm to faithfully execute the office to which I have been elected, and will, to the best of my ability preserve, protect and defend the Constitution of the Communications, Energy and Paperworkers Union of Canada, and upon completion of my term of office, deliver to my successor all Union books, papers and property that may be in my possession.