

**2019 CUPE National Convention  
Adopted Constitutional Amendments**

CONSTITUTIONAL AMENDMENTS																													
C4	<p>CUPE NATIONAL WILL:</p> <p>Amend Article 6.4 of the National Constitution to allow chartered organizations to send one additional delegate to convention, as follows:</p> <p>6.4 Convention Representation</p> <p>(a) Representation at Convention is:</p> <p>Local Union:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Up to 100 members .....</td> <td style="text-align: right;">1 delegate</td> </tr> <tr> <td style="padding-left: 20px;">101 to 200 members .....</td> <td style="text-align: right;">2 delegates</td> </tr> <tr> <td style="padding-left: 20px;">201 to 500 members .....</td> <td style="text-align: right;">3 delegates</td> </tr> <tr> <td style="padding-left: 20px;">501 to 1,000 members .....</td> <td style="text-align: right;">4 delegates</td> </tr> <tr> <td style="padding-left: 20px;">1,001 to 1,500 members .....</td> <td style="text-align: right;">5 delegates</td> </tr> <tr> <td style="padding-left: 20px;">1,501 to 2,000 members .....</td> <td style="text-align: right;">6 delegates</td> </tr> <tr> <td style="padding-left: 20px;">2,001 to 2,500 members .....</td> <td style="text-align: right;">7 delegates</td> </tr> <tr> <td style="padding-left: 20px;">2,501 to 3,000 members .....</td> <td style="text-align: right;">8 delegates</td> </tr> </table> <p>1 more delegate for each additional 500 members or part of 500 members.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Provincial Division .....</td> <td style="text-align: right;">2 delegates</td> </tr> <tr> <td style="padding-left: 20px;">District Council .....</td> <td style="text-align: right;">1 delegate</td> </tr> <tr> <td style="padding-left: 20px;">Service Division .....</td> <td style="text-align: right;">1 delegate</td> </tr> <tr> <td style="padding-left: 20px;">Provincial Council of Unions.....</td> <td style="text-align: right;">1 delegate</td> </tr> <tr> <td style="padding-left: 20px;">Council of Unions.....</td> <td style="text-align: right;">1 delegate</td> </tr> <tr> <td style="padding-left: 20px;">Airline Division Component .....</td> <td style="text-align: right;">1 delegate per airline</td> </tr> </table> <p><b>Each chartered organization may register one additional delegate who self-identifies as a member of one of the following communities: Indigenous, LGBTQ2+, Racialized, Women, Workers with Disabilities, Young Workers.</b></p> <p>Each national equity-seeking committee is entitled to one delegate with full voice at the expense of the National Union.</p>	Up to 100 members .....	1 delegate	101 to 200 members .....	2 delegates	201 to 500 members .....	3 delegates	501 to 1,000 members .....	4 delegates	1,001 to 1,500 members .....	5 delegates	1,501 to 2,000 members .....	6 delegates	2,001 to 2,500 members .....	7 delegates	2,501 to 3,000 members .....	8 delegates	Provincial Division .....	2 delegates	District Council .....	1 delegate	Service Division .....	1 delegate	Provincial Council of Unions.....	1 delegate	Council of Unions.....	1 delegate	Airline Division Component .....	1 delegate per airline
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C8	<p>CUPE NATIONAL WILL:</p> <p>Replace the words « division aérienne » in Articles 6.4 and 6.8 with the words « division du transport aérien ». [in French only]</p>																												

**CONSTITUTIONAL AMENDMENTS**

<p>C9</p>	<p><b>CUPE NATIONAL WILL:</b></p> <p>Amend Article 6.5 of the National Constitution to allow larger Local Unions to send more than one alternate delegate, as follows:</p> <p>6.5 Alternate Delegates</p> <p><b>Local Unions entitled to representation at Convention are also entitled to alternate delegates:</b></p> <p><b>Up to 500 members ..... 1</b>  <b>501 to 2,500 members ..... 2</b>  <b>Over 2,500 members ..... 3</b></p> <p><b>Other</b> chartered organizations entitled to representation at Convention <b>is are</b> also entitled to one alternate delegate.</p> <p>An alternate delegate can speak and vote at Convention only when replacing a delegate from the same chartered organization and only if in possession of that delegate's badge.</p>																						
<p>C13</p>	<p><b>CUPE NATIONAL WILL:</b></p> <p>Realign the regional representation of members in Canada's three territories by amending the National Constitution as follows:</p> <p>7.2</p> <p>(b) The Regional Vice-Presidents represent these regions:</p> <table border="0"> <tr> <td>Nova Scotia .....</td> <td>1</td> </tr> <tr> <td>Newfoundland and Labrador .....</td> <td>1</td> </tr> <tr> <td>New Brunswick .....</td> <td>1</td> </tr> <tr> <td>Prince Edward Island .....</td> <td>1</td> </tr> <tr> <td>Quebec .....</td> <td>2</td> </tr> <tr> <td>Ontario .....</td> <td>2</td> </tr> <tr> <td>Northern Ontario .....</td> <td>1</td> </tr> <tr> <td>Manitoba .....</td> <td>1</td> </tr> <tr> <td>Saskatchewan .....</td> <td>1</td> </tr> <tr> <td>Alberta, and the <b>Northwest Territories, and Nunavut</b> .....</td> <td>1</td> </tr> <tr> <td>British Columbia and the <b>Yukon</b> .....</td> <td>2</td> </tr> </table> <p>Northern Ontario is defined as the area north of the French River.</p>	Nova Scotia .....	1	Newfoundland and Labrador .....	1	New Brunswick .....	1	Prince Edward Island .....	1	Quebec .....	2	Ontario .....	2	Northern Ontario .....	1	Manitoba .....	1	Saskatchewan .....	1	Alberta, and the <b>Northwest Territories, and Nunavut</b> .....	1	British Columbia and the <b>Yukon</b> .....	2
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## CONSTITUTIONAL AMENDMENTS

C14

CUPE NATIONAL WILL:

Amend the National Constitution to allow General Vice-Presidents, Regional Vice-Presidents and Diversity Vice-Presidents to be elected in their respective caucuses instead of by convention as a whole, as follows:

Amend 7.2 (a)

7.2 Composition

- (a) ~~The members of the National Executive Board are elected by majority vote at Convention.~~ The members of the National Executive Board are: the National President, the National Secretary-Treasurer, five General Vice-Presidents, fourteen Regional Vice-Presidents and two Diversity Vice-Presidents.

Amend 11.2

11.2 National Executive Board

- (a) All members of the National Executive Board are elected at **each regular Convention by majority vote.**
- (b) **The National President and National Secretary-Treasurer are elected by majority vote of all Convention delegates.**
- (c) **General Vice-Presidents are elected in caucus, by majority vote of Convention delegates who work in their geographic area.**
- (d) **Regional Vice-Presidents are elected in caucus, by majority vote of Convention delegates who work in their region.**
- (e) **Diversity Vice-Presidents are elected in caucus, by majority vote of Convention delegates who self-identify as members of their respective community. The Indigenous caucus may choose to select their Diversity Vice-President by consensus.**

Add new 11.6 and renumber the rest of the Article:

**11.6 The results of caucus elections will be reported to convention for adoption by delegates.**

## CONSTITUTIONAL AMENDMENTS

C20

**CUPE NATIONAL WILL:**

Define geographic representation and eligibility for the positions of General Vice-President, and ensure consistency in the eligibility for Regional Vice-Presidents, by adding the following language to Article 7.2 and Article 11.1 of the National Constitution:

Add new 7.2 (c)

**(c) The General Vice-Presidents are elected from these geographic areas:**

<b>The East (Nova Scotia, Newfoundland and Labrador, New Brunswick, and Prince Edward Island).....</b>	<b>1</b>
<b>Quebec.....</b>	<b>1</b>
<b>Ontario (including Northern Ontario).....</b>	<b>1</b>
<b>The Prairies (Manitoba and Saskatchewan).....</b>	<b>1</b>
<b>The West (British Columbia, Alberta, and the Territories) .....</b>	<b>1</b>

Amend 11.1 (b)

~~(b) Only members who reside in the region and who are members in good standing of a Local Union~~ **work in the region, and who fulfill the requirements of Article 6.8, are eligible for election to the office of Regional Vice-President. A Regional Vice-President who ceases to meet these requirements cannot continue in office.**

Amend 11.1 (c)

**(c) Only members who work in the geographic area, and who fulfill the requirements of Article 6.8, are eligible for election to the office of General Vice-President. A General Vice-President who ceases to meet these requirements cannot continue in office.**

**CONSTITUTIONAL AMENDMENTS**

<p>C22</p>	<p>CUPE NATIONAL WILL:</p> <p>Define representation and eligibility for the positions of Diversity Vice-President, by adding the following language to Article 7.2 and Article 11.1 of the National Constitution:</p> <p>Add new 7.2 (d)</p> <p>7.2</p> <p><b>d) The Diversity Vice-Presidents represent the following members:</b></p> <p><b>Indigenous Workers ..... 1</b></p> <p><b>Racialized Workers ..... 1</b></p> <p>Add new 11.1 (d)</p> <p>11.1</p> <p><b>d) Only members who self-identify as part of the represented community, and who fulfill the requirements of Article 6.8, are eligible for election to the office of Diversity Vice-President. A Diversity Vice-President who ceases to meet these requirements cannot continue in office.</b></p>
<p>C23</p>	<p>CUPE NATIONAL WILL:</p> <p>Amend the National Constitution to add 2 additional Trustee positions, reduce the term of office, define geographic representation and clarify eligibility requirements for the positions, as follows:</p> <p>Amend Article 10.1</p> <p>10.1 Duties of Trustees</p> <p><del>Five</del> <b>Three</b> Trustees examine the financial practices and audit of the National Union. They exercise general supervision over the property and finances of the National Union to ensure:</p> <p>a) financial accountability of the National Union's policies and practices and financial control; and</p> <p>b) protection of the National Union's property.</p> <p>Replace Article 10.3 with the following:</p> <p>10.3 Election of Trustees</p> <p><b>a) The Trustees are elected from these geographic areas:</b></p> <p><b>The East (Nova Scotia, Newfoundland and Labrador, New Brunswick, and Prince Edward Island) ..... 1</b></p> <p><b>Quebec..... 1</b></p> <p><b>Ontario (including Northern Ontario)..... 1</b></p> <p><b>The Prairies (Manitoba and Saskatchewan)..... 1</b></p> <p><b>The West (British Columbia, Alberta, and the Territories) ..... 1</b></p> <p><b>b) Only members who work in the region, and who fulfill the requirements of Article 6.8, are eligible for election to the office of Trustee. A Trustee who ceases to meet these requirements cannot continue in office.</b></p> <p><b>c) Trustees are elected at National Convention for a term of four years. At the 2021 National Convention, Trustees from The West and The East will be elected for a four-year term, and a Trustee from the Prairies will be elected for a two-year term.</b></p>

## CONSTITUTIONAL AMENDMENTS

C25

CUPE NATIONAL WILL:

Amend the National Constitution to allow for electronic voting as follows:

Amend 11.3

11.3 Conduct of Elections

- a) All elections are held by secret **ballet vote**. Each delegate has only one vote. To be elected a candidate must receive a majority of votes cast.
- b) If no candidate receives a majority of votes cast, a second **ballet vote** will be held. The candidate who received the fewest votes on the first **ballet vote** will be removed from the second **ballet vote**. This process will continue until a candidate is elected by a majority of votes cast.
- c) After each **ballet vote** the Chairperson will declare which candidates have been elected and which candidate must withdraw. In a **ballet vote** to fill multiple positions the Chairperson will also declare the number of positions to be elected on the next **ballet vote**.
- d) **All elections on the floor of convention are conducted by electronic vote.**

Amend 11.4

11.4 Multiple Positions

In a **ballet vote** to fill more than one position, each delegate must vote for the full number of positions to be filled or the **ballet vote** is spoiled.

Amend Appendix "A" Rules of Order

A.11 Votes may be taken by a show of hands or by a standing vote of delegates. Where a show of hands is not clear, **an electronic vote may be taken at the discretion of the chair or by the decision of the majority of the delegates**. A roll call vote will be held only if required by two-thirds of delegates present. In all votes, each voting delegate has one vote.

## CONSTITUTIONAL AMENDMENTS

C32

CUPE NATIONAL WILL:

Amend Article XII of the National Constitution to clarify the roles of General Vice-Presidents, Regional Vice-Presidents and Diversity Vice-Presidents, as follows:

### GENERAL VICE-PRESIDENTS

#### 12.1 Duties of General Vice-Presidents

- (a) The General Vice-Presidents assist the National President in their duties and perform other duties, as determined by Convention or the National Executive Board. They preside at Convention or meetings at the request of or in the absence of the National President.
- (b) **General Vice-Presidents represent the National Union, and communicate and help implement the goals, policies and priorities of the National Union. They may also provide assistance and support to the Regional Vice-Presidents and Provincial Divisions within their geographic area.**

#### 12.2 Duties of Regional Vice-Presidents

- (a) **Regional Vice-Presidents represent their regions on the National Executive Board and bring the perspectives, priorities and concerns of members and chartered organizations in their region to the debates and discussions of the Board. They perform other duties as determined by Convention, the National Executive Board, or the National President.**
- (b) **Regional Vice-Presidents represent the National Union in their region, and communicate and help implement the goals, policies and priorities of the National Union in their regions.**

#### 12.3 Duties of Diversity Vice-Presidents

- (a) **Diversity Vice-Presidents represent members who self-identify as part of their respective communities on the National Executive Board and bring the perspectives, priorities and concerns of these members to the debates and discussions of the Board. They perform other duties as determined by Convention, the National Executive Board, or the National Officers.**
- (b) **Diversity Vice-Presidents also represent the National Union at meetings of and related to the communities they represent, and communicate and help implement the goals, programs and priorities of the National Union.**

## CONSTITUTIONAL AMENDMENTS

C35	<p>CUPE NATIONAL WILL:</p> <p>Amend the Rules of Order in Appendix A of the National Constitution to ensure the full participation of Delegates, as follows:</p> <p>Add a new A.3 and renumber the rest.</p> <p>The rules of order of Convention are:</p> <p>A.1 The National President will chair all Conventions. A General Vice-President will chair Convention in the absence of or at the request of the National President. The National Executive Board will choose a chairperson if the National President and the designated General Vice-President are both absent.</p> <p>A.2 No question of a sectarian character will be discussed.</p> <p><b>A.3 The Chairperson may alter the application of the Rules of Order in order to permit the full participation of any delegate with a disability in the proceedings of Convention.</b></p> <p>A.4 A delegate must go to a microphone to speak. The delegate must give their name and the name of the organization they represent when recognized by the Chairperson. The delegate will only speak to the question at issue.</p>
C37	<p>CUPE NATIONAL WILL:</p> <p>Amend the standard Membership Meeting Agenda in Appendix B.VI of the National Constitution to include a territorial acknowledgment, as follows:</p> <p>B.6.1 Meeting Agenda</p> <p>The President will chair the meeting and follow this order of business:</p> <ol style="list-style-type: none"> <li>1. <b>Acknowledgment of Indigenous territory</b></li> <li>2. Roll call of officers</li> <li>3. Reading of the Equality Statement</li> <li>4. Voting on new members and initiation</li> <li>5. Reading of the minutes</li> <li>6. Matters arising from the minutes</li> <li>7. Secretary-Treasurer's Report</li> <li>8. Communications and bills</li> <li>9. Executive Committee Report</li> <li>10. Reports of committees and delegates</li> <li>11. Nominations, elections, or installations</li> <li>12. Unfinished business</li> <li>13. New business</li> <li>14. Good of the Union</li> <li>15. Adjournment</li> </ol>



## CONSTITUTIONAL AMENDMENTS

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### CUPE NATIONAL WILL:

Effective June 1, 2020, amend Article B.11.1 to read:

1. The Trial Procedure is found at Appendix "F" to this Constitution and will apply to Local Unions and Airline Division Components. For purposes of the Trial Procedure, the term Local Union will include Airline Division Component.
2. Delete Article B.11.2.
3. Delete Article B.11.3.
4. Delete Article B.11.4.
5. Delete Article B.11.5.

### Appendix F – TRIAL PROCEDURE

#### Purpose

The purpose of the Trial Procedure is to provide members in good standing an internal process to have complaints against other members dealt with in a fair and impartial manner. The Trial Procedure is not to be used for political gain or to resolve interpersonal conflict which does not have a foundation in one of the enumerated offences outlined in Section F.1.

Members are expected to attempt to deal with issues prior to resorting to file a complaint. Concerns are best resolved when members discuss the issues amongst themselves and arrive at mutual solutions. This can be accomplished either through one on one conversation or through facilitated/mediated discussions.

The use of mediation can occur at any time once a complaint is filed including during a trial.

#### F.1 Offences

A member who does any of these acts is guilty of an offence against this Constitution:

- a) violates any provision of this Constitution or the approved bylaws of any chartered organization.
- b) becomes a member by dishonesty or misrepresentation.
- c) brings or urges another member to bring an action in court against the National Union, the National Executive Board, any officer of the National Union, a Local Union or any member of a Local Union about any matter related to the National Union or any chartered organization without exhausting any remedy under this Constitution.
- d) attempts or supports an attempt to remove any member, group of members or Local Union from the Union.
- e) produces or distributes any false report about a member of the Union about any matter related to the National Union or any chartered organization, verbally or in any other manner.
- f) helps any organization competing with the Union in a way that is harmful to the Union.

## CONSTITUTIONAL AMENDMENTS

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- g) steals or dishonestly receives any property of the National Union or any chartered organization.
- h) uses the name of the Union or any chartered organization to request monies or to advertise without proper authorization.
- i) without proper authorization, gives a complete or partial list of the membership of the Union or any Local Union to anyone who is not an official entitled to this information.
- j) wrongfully interferes with the performance of duties by any officer or employee of the National Union.
- k) sends out information designed or intended to harm or weaken the Union.
- l) fails to respect the Local Union's picket line, works for the employer during a legal strike or labour dispute or engages in any strike-breaking activity.
- m) acts in a way that is harassment or discrimination on the basis of sex, sexual orientation, gender identity, gender expression, language, age, race, ethnicity, ancestry, colour, place of origin, creed, disability, family status, marital status or record of offences.

### F.2 Making a Complaint

- a) A member in good standing of the Union (the complainant) may charge a member or officer of the Local Union (the respondent) with an offence by sending a written complaint to the Recording Secretary of the Local Union. The written complaint will set out:
  - i. The specifics of the complaint, citing in detail the nature of the complaint, the members involved, the date and circumstances of the alleged offence, a list of confirmed witnesses and documents the complainant intends to rely upon; and
  - ii. which parts of Article F.1 have been violated and the specific act or failure to act which constitutes the alleged violation.
  - iii. The complaint will be sent within 60 days after the complainant became aware of the offence.
- b) The Recording Secretary will countersign the complaint and deliver a countersigned copy of the complaint or send it to the respondent by registered mail or by email within ten days of receiving it.
- c) The Recording Secretary will forward a copy of the complaint and documents to the National President.

### F.3 Determining Whether Sufficient Evidence Exists to Establish an Offence

- a) The National President will appoint an Investigator to review the complaint and determine whether sufficient evidence exists to establish an offence. The Investigator will report their findings and recommendations to the National President, the complainant and the respondent within 30 days of appointment.
- b) The Investigator will meet with the complainant and respondent either in person or through teleconference.
- c) The complainant may appeal a finding that there is not sufficient evidence to establish an offence case within 14 days of receipt. The National President upon receipt of an appeal will appoint three members of the National Executive Board within 14 days of receipt to hear the appeal and render a decision as soon as possible.

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### F.4 Trial Panel and Trial Committee

- a) The National Executive Board, upon recommendation of the National President, will appoint members from each region to serve as Trial Panelists for their respective regions.
- b) Where sufficient evidence exists to establish an offence, and the matter has not been settled through mediation, the National President will appoint three members of the Regional Trial Panel to serve as the Trial Committee. If the complainant or respondent objects with valid reasons to the appointment of a member to the Trial Committee, the National President may appoint another member.
- c) Members who have a complaint alleging a violation of Section F.1 (m) may opt to use an alternate process adopted by the National Executive Board.
- d) If a complaint or complaints charge two or more accused with an offence or offences based on facts, issues or circumstances that are similar or related, as determined by the National President, one Trial Committee will be selected to hear and decide the complaint or complaints.
- e) The National President will assign a National Representative to provide support, advice and guidance concerning procedural matters to the Trial Committee.

### F.5 Trial Committee

- a) Prior to the commencement of the private hearing the Trial Committee will convene a teleconference with the complainant and respondent and their respective representatives to deal with preliminary matters concerning the trial including procedural questions.
- b) The Trial Committee will hold a private hearing into the complaint or complaints within 30 days of being selected. The Committee will give at least 14 days' written notice to the complainant and the respondent of the time and place of the hearing. The notice will be delivered in person or sent by registered mail or by email.
- c) The Trial Committee decides its own procedure in accordance with the rules of natural justice. The Committee can accept any oral or written evidence that it considers proper, so long as every member receives a fair and impartial hearing. The Trial Committee can decide any preliminary objection to the complaint and can dismiss the complaint. The Trial Committee will make the necessary arrangements to have a record of the hearing. The Trial Committee must act with all three members.
- d) The cost of conducting a trial will include lost wages and reasonable expenses for the Trial Committee, the cost of a hearing room and the cost of keeping a record of the trial. The cost of the trial will be borne by the Local Union where the complaint originates.
- e) The Local Union is not responsible for the costs of either the complainant or the respondent. However, should the Local Union agree to pay the costs for one party to the complaint, then they are obligated to pay the costs for both the complainant and the respondent.
- f) The complainant is required to prove that the respondent has committed an offence or offences.

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- g) The respondent and the complainant have the right to be present at the hearing, to call witnesses and to cross examine witnesses called by the other side. They may choose someone to represent them at the hearing or at any other time from when a complaint is filed to when the complaint is resolved. The representative must be a member in good standing of a trade union affiliated to the Canadian Labour Congress, unless the law does not permit this restriction.
- h) If either the complainant or the respondent does not attend the hearing, the Trial Committee can dismiss the complaint, adjourn the hearing or hold the hearing and decide the complaint in their absence. The Committee can set terms that it considers appropriate for granting an adjournment. The Committee must consider the duty to accommodate when a request for an adjournment is made.
- i) The Trial Committee decides whether the respondent is guilty of the offence or offences by a secret ballot vote. The respondent is guilty only if at least two members of the Committee vote guilty.
- j) If the respondent is found guilty, the Trial Committee will decide any penalty and what, if anything, the respondent must do or not do. The decision may include:
  - i. a reprimand;
  - ii. a fine where permitted by law;
  - iii. a suspension or expulsion from membership except where such suspension or expulsion from membership would lead to termination of employment;
  - iv. a ban against holding membership or office;
  - v. an order to stop doing the act or acts complained of;
  - vi. an order to correct the act or acts complained of; or
  - vii. any other order that the Trial Committee finds appropriate in the circumstances.
- k) The Chairperson of the Trial Committee will report the Committee's decision to the respondent and the complainant and the National President. The Chairperson of the Trial Committee when reporting to the National President will also provide the record of the hearing. The National President will report the decision to the Recording Secretary of the Local Union. The decision of the Trial Committee will be recorded in the minutes of the next general membership meeting.

### F.6 Appeal

- a) The respondent can appeal a finding of guilt and any penalty or order by sending a written appeal to the National President. The appeal must be made within 30 days of when the decision of the Trial Committee was reported to the respondent. The complainant cannot appeal the decision of the Trial Committee.
- b) The written appeal by the respondent will set out:
  - i. the part or parts of the decision that are being appealed;
  - ii. the date on which the decision was reported to the respondent;
  - iii. the reasons for the appeal;

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<p>C41 (cont'd)</p>	<ul style="list-style-type: none"> <li>iv. whether the respondent wants a hearing or wants to make submissions in writing;</li> <li>v. the desired location, if a hearing is requested; and</li> <li>vi. the remedy requested by the respondent.</li> </ul> <p>The respondent will send the appeal to the National President by registered mail or by email and will send a copy of the appeal to the complainant and to the Recording Secretary of the Local Union.</p> <ul style="list-style-type: none"> <li>c) On receiving a copy of the appeal, the National President will send a copy of the record of the Trial Committee to the complainant and the respondent.</li> <li>d) On receiving the appeal, the National President will appoint three members of the National Executive Board to be the Appeal Panel. The Appeal Panel cannot include any member of the National Executive Board who has heard an appeal in the case under Section F.3 c. The Appeal Panel will hear and decide the appeal. The Appeal Panel will determine its own procedure and will give the parties a full opportunity to present their case and make submissions on the issues in the appeal.</li> <li>e) If the respondent requests a hearing, the Appeal Panel will send notice to the complainant and the respondent of the time and place of the hearing. The notice will be sent by registered mail or by email at least one month before the hearing.</li> <li>f) The respondent and the complainant have the right to be represented at the appeal hearing. The representative must be a member in good standing of a trade union affiliated to the Canadian Labour Congress, unless the law does not permit this restriction.</li> <li>g) The Appeal Panel can confirm or set aside the finding of guilt and can confirm, change or set aside any penalty or order made by the Trial Committee. The Appeal Panel will make its decision within 90 days of the completion of the hearing or written submissions. The decision of the Appeal Panel is final and binding.</li> <li>h) The penalty or order of the Trial Committee will not be enforced until:             <ul style="list-style-type: none"> <li>i. the Appeal Panel has made its decision;</li> <li>ii. the respondent gives up the right to appeal; or</li> <li>iii. the respondent fails to appeal the decision of the Trial Committee as set out in Section F.6 a) and b).</li> </ul> </li> <li>i) If the appeal is upheld in whole or in part, the Local Union will pay the travel and accommodation expenses of the respondent for attending the hearing before the Appeal Panel. Travel and accommodation will be paid at the rate outlined in the Local Union bylaws. If the appeal is dismissed, the respondent will pay their own expenses.</li> <li>j) The Appeal Panel will report its decision to the complainant, respondent, the National President and the Recording Secretary of the Local Union. The decision of the Appeal Panel will be reported to the next membership meeting and recorded in the minutes of the meeting.</li> </ul>
<p>C47</p>	<p><b>CUPE NATIONAL WILL:</b></p> <p>Amend the Code of Conduct in Appendix E of the National Constitution by adding the following to the complaint process:</p> <p><b>9. The National President shall determine if further remedial action is appropriate, including restricting a member's participation in future events organized by CUPE National.</b></p>

