

CUPE 476

BY-LAWS

December 2014

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## **PREAMBLE**

IN ORDER TO IMPROVE THE SOCIAL AND ECONOMIC CREED, TO PROMOTE EFFICIENCY IN PUBLIC EMPLOYMENT AND TO MANIFEST ITS BELIEF IN THE VALUE OF THE UNITY OF ORGANIZED LABOUR, THIS LOCAL OF THE CANADIAN UNION OF PUBLIC EMPLOYEES (HEREINAFTER REFERRED TO AS CUPE) HAS BEEN FORMED.

THE FOLLOWING BY-LAWS ARE ADOPTED BY THE LOCAL PURSUANT TO, AND TO SUPPLEMENT, APPENDIX "B" OF THE CUPE CONSTITUTION, TO SAFEGUARD THE RIGHTS OF ALL MEMBERS, TO PROVIDE FOR RESPONSIBLE ADMINISTRATION OF SHARING OF DUTIES AND RESPONSIBILITIES.

## **SECTION 1 - NAME**

The name of this Local shall be: Canadian Union of Public Employees, Local No. 476, Powell River, B.C. School Employees.

## **SECTION 2 - OBJECTIVES**

THE OBJECTIVES OF THE LOCAL ARE TO:

- A. Secure adequate remuneration for work performed and generally advance the economic and social welfare of its members and of all workers;
- B. Support CUPE in reaching the goals set out in Article 2 of the CUPE Constitution;
- C. Provide an opportunity for its members to influence and shape their future through free democratic trade unionism;
- D. Encourage the settlement by negotiation and mediation of all disputes between members and their employers.

## **SECTION 3 - INTERPRETATION AND DEFINITIONS**

- A. Masculine pronouns shall be understood to include the feminine gender;
- B. Numbers of articles at the end of sections or sub-sections refer to relevant Articles of the CUPE constitution which should read in conjunction with these by-laws.

## **SECTION 4 - MEMBERSHIP MEETINGS - REGULAR AND SPECIAL**

- A. Regular membership meetings shall be held each month on the fourth Thursday of the month. If a statutory holiday intervenes, the Executive Board shall give a week's notice of any change in the date of the regular meeting.
- B. Special membership meeting may be ordered by the Executive Board or requested in writing by no fewer than 10 members. The President shall immediately call a Special meeting when

so ordered or requested and shall see that all members receive at least 48 hours notice of the Special meeting and the subject(s) to be discussed. No business shall be transacted at the Special meeting other than for which the meeting was called and notice given.

- C. A quorum for the transaction of business at any regular or Special meeting shall be 10 members, including at least 3 members of the Executive Board.
- D. The order of business at regular meetings is as follows:
  - 1. Opening of session
  - 2. Roll call of officers
  - 3. Reading of Minutes
  - 4. Treasurers report
  - 5. Communications and bills
  - 6. Initiation of new members
  - 7. Reports of delegates and committees
  - 8. Nominations, Elections, or Installations
  - 9. Unfinished business
  - 10. New business
  - 11. Good of the Union
  - 12. Adjournment

#### **SECTION 5 - VOTING OF FUNDS**

Except for ordinary expenses and bills, no sum over one hundred (\$100.00) shall be voted for the purpose of a grant or contribution to a member or any cause out of CUPE except by motion at a general meeting. A simple majority shall rule.

#### **SECTION 6 - OFFICERS**

- 1. President
- 2. Vice-President
- 3. Secretary/Treasurer
- 4. Recording Secretary
- 5. Three (3) Members-at-Large
- 6. Three (3) Trustees
- 7. Sergeant at Arms

#### **SECTION 7 - EXECUTIVE BOARD**

- A) The Executive Board shall comprise all officers, except Trustees  
(Article B.2.2)
- B) The Executive shall meet at least once a month  
(Article B.3.14)
- C) A majority of the Executive constitutes a quorum

- D) The Executive Officers shall hold title to any real estate of the Local as Trustees for the Local. They shall have no right to sell, convey, or encumber any real estate without first serving notice and then submitting the proposition to a membership meeting and having it approved.
- E) The Executive shall do the work delegated to it by the Local and shall be held responsible for the proper and effective functioning of all committees
- F) All charges against members or officers must be made in writing and dealt with in accordance with the provisions of the CUPE Constitution  
(Articles B.11.1 to B.11.5)
- G) Should any Executive member fail to answer to roll call for three consecutive regular membership meetings or four regular Executive meetings without having submitted good reasons shall be filled by an election at the following membership meeting.  
(Article B.2.5.)
- H) In the event there not being a quorum at a regular membership meeting and during the summer recess, the Executive Board shall have authority to conduct the business of the Union to the best of their ability.

#### **SECTION 8 - DUTIES OF OFFICERS**

- A) The President shall:
  1. enforce the CUPE Constitution and these By-Laws
  2. preside at all membership and Executive Board meetings and preserve order;
  3. decide all points of order and procedures (subject always to appeal to the membership);
  4. have a vote in all matters (except appeals against his rulings) and in case of a tie;
  5. ensure that all officers perform their assigned duties provided for;
  6. introduce new members and conduct them through the initiation ceremony;
  7. sign all cheques and ensure that the Local's funds are used only as authorized or directed by the Constitution, By-laws or vote of the Membership;
  8. have first preference as a delegate to any authorized convention;
  9. answer correspondence and fulfill other secretarial duties as directed by the Executive Board;
  10. be empowered, with the approval of the Membership to employ necessary stenographic or other assistance to be paid out of the Local's funds;
  11. the President shall have custody of original documents pertaining to contract negotiations and shall be the keeper of the Official Seal of the Local;
  12. make all necessary travel arrangements for conventions, conferences, etc.  
(Article B.3.1)
  13. The President will, if a full time employee, be granted union leave one day per week to conduct union business. If the President is a part time employee, a maximum of 1.5 hours per day will be paid in addition to part time wages.

- B) The Vice-President shall:
1. If the President is absent or incapacitated perform all duties of the President;
  2. if the Office of President falls vacant, shall be Acting President until a new President is elected;
  3. render assistance to any member of the Executive as directed by the President;
  4. The Vice President will be allowed 4 hour per month paid union leave to conduct union business
- C) The Secretary shall:
1. record all alteration in the By-Laws;
  2. on termination of office, surrender all books, and other property of the Local to his/her successor;
  3. preside over membership and Executive meetings in the absence of both the President and the Vice-President;
  4. keep full and accurate account of the proceedings of all membership meetings and Executive Board meetings; ensuring that these records include a copy of the full financial report presented by the Secretary-Treasurer.
  5. prepare and distribute all circulars and notices to members;
  6. keep an up-to-date membership list, with phone numbers.
- D) The Secretary/Treasurer shall:
1. Receive all revenue initiation fees, dues and assessments, keeping a record of each members payments and deposit promptly all money with a bank or credit union;
  2. Prepare all CUPE national per capita tax forms and remit payment;
  3. Record all financial transactions in a manner acceptable to the Executive and in accordance with good accounting practices;
  4. be bonded for no less than \$5000.00 (or any greater sum as may be decided at a membership meeting, taking into account the assets of the Local and the amount of cash and cheques handled by the Treasurer) through a master bond held by the National Office;
  5. make all books and records available for inspection by the auditors and/or Trustees on reasonable notice, and have books audited annually;
  6. provide the Trustees with any information they may need to complete the Audit Report forms supplies by CUPE;
  7. be allowed a petty cash fund of \$100.00 to be replenished from time to time following submissions of expense vouchers incurred on behalf of the Local;
  8. on termination of office, surrender all books, records and other properties of the Local to his successor.
  9. Prepare and distribute membership cards to new members.  
(Article B.3.4. to B.3.8.)
  10. file a copy of all letters and keep all communications
  11. no correspondence is to be signed by the secretary without the knowledge of the President and/or the Executive;
  10. The Treasurer will be allowed 4 hours per month paid union leave to conduct union business.

- E) The Trustees shall:
1. act as an auditing committee on behalf of the members and audit the books and accounts of the Secretaries, Treasurer and the standing committee annually;
  2. report their findings to the first membership meeting following the completion of each audit;
  3. be responsible to ensure that monies are not paid out without proper constitutional or membership authorization;
  4. ensure that proper financial reports are made to the membership;
  5. audit the record of attendance;
  6. inspect at least once a year any stocks, bonds, securities, office furniture and equipment and titles or deeds to properties that may at any time be owned by the Local and report their findings to the membership;
  7. use audit forms supplied by the National Office and send a copy of each yearly audit to the National Secretary-Treasurer in accordance with the provisions of the CUPE Constitution.

(Article B.3.10 to B.3.12)

- F) The Members-at-Large shall:
1. attend all Executive meetings and will attend to any service which the President requests.

- G) The Sergeant-at-Arms shall:
1. guard the inner door at membership meetings and admit no one but members in good standing or officers and officials of CUPE, except on the order of the President and by consent of the members present;
  2. assist in maintaining the record of membership attendance at meetings;
  3. perform such other duties as may be assigned by the Executive from time to time.

### **SECTION 9 - OUT OF POCKET EXPENSES**

The following out-of-pocket expenses shall be provided on a monthly basis:

President	\$150.00	3 Members at Large	\$25.00
Vice-President	\$125.00	1 Sergeant at Arms	\$25.00
Secretary/Treasurer	\$125.00		
Recording Secretary	\$ 25.00		

### **SECTION 10 - FEES, DUES AND ASSESSMENTS**

- A) Initiation Fee

Each application for membership in the Local shall be directed to the Treasurer and shall be accompanied by an initiation fee of \$10.00 which shall be in addition to monthly dues. The Treasurer shall issue receipts. If the application is rejected the fee shall be returned.

(Articles B.4.1 & B.8.2)

B) Re-admittance Fee

The re-admittance fee shall be \$5.00  
(Article B.4.1)

C) Dues

Monthly dues shall be 2.75% and .5% (to be placed into a Defence Fund) of gross pay to be deducted at each pay period of gross pay to be deducted at each pay period.  
(Article B.4.3)

D) Changes in the levels of the Initiation Fee.

The Re-admittance fee or monthly dues can be effected only by the following procedures for amendment of these By-Laws (see section 15) with the additional provisions that the vote must be by secret ballot, if so ordered by the membership.  
(Article B.4.3)

- i) notwithstanding the above provision, if the CUPE Convention raises minimum fees and/or dues above the level herein established, these By-Laws will be deemed to have been automatically amended to conform to the new CUPE minima.
- ii) Special Assessments may be levied in accordance with Article B.4.2 of the CUPE Constitution.

### **SECTION 11 - NON-PAYMENT OF DUES AND ASSESSMENTS**

Any member in arrears for a period of three months or more shall be automatically suspended and his suspension shall be reported to the Executive Board by the Treasurer. The Executive Board shall report to the next membership meeting with a recommendation. Any member under suspension wishing to be reinstated shall, upon application, pay the re-admittance fee, plus any dues and assessments in arrears. This money will be returned if the application is rejected. If a member has been unemployed or unable to work because of sickness, he shall pay the re-admittance fee but may not be required to pay his arrears.

(Article B.8.6)

### **SECTION 12 - NOMINATIONS, ELECTIONS AND INSTALLATION OF OFFICERS**

A) Nominations

Nominations shall be received in writing by the regular membership meeting held in the month of January with elections to take place at the regular membership meeting in February. To be eligible for nomination a member shall have attended at least forty per cent of the membership meetings held in the previous twelve months or in the period he was a member, if less than one year, unless a valid reason, acceptable to the Local has been given for non-attendance. No nomination shall be accepted unless the member is in attendance at the meeting or has allowed to be filed at the meeting, his consent in writing, duly witnessed by



another member. No member shall be eligible for nomination if he is in arrears of dues and/or assessments.

B) Elections

- i) at a membership meeting at least two months prior to election day the President shall, subject to the approval of the members present, appoint an elections committee consisting of a Returning Officer, and assistant(s). The Committee shall consist of members of the Local who are neither officers nor candidates for office. It shall treat information submitted to it in connection with its responsibilities as confidential.
- ii) The Executive Board shall determine the form of the ballot and ensure that sufficient quantities are made available in good time to the Returning Officer.
- iii) The Returning Officer shall be responsible for issuing, collecting and counting the ballots. He must be fair and impartial and see that all arrangements are unquestionably democratic.
- iv) The voting shall take place at the regular membership meeting in February. The vote shall be by secret ballot.
- v) Voting to fill an office shall be conducted and completed and the recounts dealt with, before balloting may begin to fill another office.
- vi) A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballots shall be taken, if necessary, to obtain a majority. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballots shall be dropped. In case of a final tie vote, the presiding officer shall and/or may cast the deciding vote.
- vii) When two or more nominees are to be elected to any office by ballot, each member voting shall be required to vote for the full number of candidates to be elected or the member's ballot will be declared spoiled.
- viii) Any member may request a recount of the votes for any election and a recount shall be conducted if the request is supported, in a vote by at least the number of members equal to the quorum for a membership meeting as laid down in Section 4(c).

C) Installation

- i) All duly elected officers shall be installed at the meeting at which elections are held and shall continue in office for one year or until a successor has been elected and installed, provided, however, that no term of office shall be longer than three years.  
(Article B.2.4)
- ii) The terms of office for Trustees shall be as laid down in Article B.2.4 of the CUPE Constitution.

- iii) Election of President and Treasurer on even number years; Vice-President, Secretary on odd numbered years.
  - iv) Members-at-Large (two) to be elected on even numbered years and one on odd numbered years.
  - v) Sergeant-at-Arms, annually.
- D) By-Elections  
Should an office fall vacant pursuant to Section 7(G) of these By-Laws or for any other reason, the resulting by-election should be conducted as closely as possible in conformity with this section.

### **SECTION 13 - DELEGATES TO CONVENTIONS AND UNION FUNCTIONS**

- A) Except for the President's options, Section 8(a), all delegates to conventions shall be chosen by election at a membership meeting, all nominees shall have attended at least forty percent of meetings in the last twelve month period.
- B) Delegates to the Vancouver Island District Council shall be elected for a term of one year.
- C) All delegates elected to the conventions or union functions held outside the District of Powell River, B.C., shall be paid transportation expenses, per diem allowance to a rate equal to that of the CUPE BC current policy for expenses and an amount sufficient to cover the projected hotel costs, registration fee and an amount equal to any loss of salary incurred by attendance at the convention.
- D) Delegates attending conventions or union functions using their own vehicle shall be paid a rate equal to that of the CUPE BC current policy, in addition to ferry costs.
- E) Delegates to conventions or union functions held locally shall have no transportation allowance, but shall be paid a rate equal to that of the CUPE BC current policy.
- F) Representation at educational institutes, training courses, schools and seminars shall be on the recommendation of the Executive Board.
- G) Committees representing the membership during sessions covering meal period shall be reimbursed for reasonable costs of meals, when such expense is incurred.

### **SECTION 14 - COMMITTEES**

All committees will be appointed by the Executive Board and approved at a General Membership meeting.

- A) Negotiating Committee  
This shall be a special ad hoc committee established four (4) months prior to the expiry of the Local's agreement and automatically disbanded when a new collective agreement has been signed. The function of the committee is to prepare collective bargaining proposals and to negotiate a collective agreement. The committee shall consist of four (4) members and two (2) alternates with approval by the Executive Board. The CUPE rep assigned to the Local shall be a non-voting member of the committee and shall be consulted at all stages from formulating proposals, through negotiations, to contract ratification by the membership.
- B) Special Committees  
A special ad hoc committee may be established for a specific purpose and period by the membership at a meeting. The members shall be elected at the same or another membership meeting, or may, be specific authorization of the membership, be appointed by the President or the Executive Board. Two members of the Executive may sit on any special committee as ex-officio members.
- C) Standing Committees  
The chair and the Executive Board may, with the concurrence of the membership, jointly appoint other members to serve on a committee. The Vice-President and/or President shall be a member, ex-officio, of each committee. There shall be five standing committees as follows:
- i) Grievance Committee  
This committee shall process all grievances not settled at the initial stage and its reports shall be submitted first to the Executive Board, with a copy to the CUPE representative, and then to a membership meeting. Grievances must be in writing on the forms provided by the National Office and be signed by the complainant or complainants, as provided for in the collective agreement. The committee shall be comprised of the elected Chairman and three (3) other members to be selected from among the shop stewards. The committee shall appoint its secretary from among its members.
- ii) Labour/Management  
The Labour/Management committee shall consist of the President, Chief Shop Steward and two (2) other members from other areas within the school system. It shall report on their meetings at a general membership meeting.
- iii) Good of the Union  
This committee may:
- i) if a member is ill for more than a week, have sent some token of the Local's concern and desire to help, whether the member is at home or in hospital;
- ii) extend the Local's condolences in the event of the death of a member or one of his immediate family and make any other appropriated gestures in accordance with the custom or the wishes of the family concerned;

iii) the committee shall comprise of between one and four members and may appoint a secretary-treasurer from among its members. It shall be reimbursed by the Executive Board for expenses incurred in the performance of its duties. The Treasurer of the Local shall be ex-officio of this committee.

iv) Education Committee

It shall be the duty of this committee to:

- i) arrange for representation of the Local at any appropriate and available education seminar or conference and submit recommendations accordingly to the Executive Board;
- ii) instruct delegates in the preparation of reports to the membership on the seminars and conferences and maintain a reference file of these reports;
- iii) co-operate with the Executive Board in preparing press releases and other publicity material;
- iv) co-operate with the Education and Public Relations Departments of CUPE, and with the Regional Education Representative, in implementing both the Local's and CUPE's policies in these fields. The Committee shall comprise between 2 and 5 members and shall appoint its secretary from among its members.

v) Social Committee

It is the function of this committee to arrange and conduct all social and recreational activities of the Local either on the Committees own initiative or as a result of decisions taken at membership meetings. The Committee shall submit reports and proposals to the Executive Board or the membership as required. A ceiling for the Committee's net expenditures shall be fixed annually by the membership but, other than that, all social and recreational events and activities shall be self-supporting. The Executive Board shall be held responsible for the proper and effective functioning of this committee. The Committee shall comprise between 2 and 5 members and may appoint a secretary-treasurer from among its members.

## **SECTION 15 - RULES OF ORDER**

All meetings of the Local shall be conducted in accordance with the basic principles of Canadian parliamentary procedure. Some of the more important rules to ensure free and fair debate are appended to these By-Laws as Appendix A. These rules shall be considered as an integral part of the By-Laws and may be amended only by the same procedures used to amend the By-laws.

In situations not covered by Appendix A, the CUPE Constitution may provide guidance, but, if the situation is not deal with there, Bourinot's Rules of Order shall be consulted and applied.

- a) These by-laws are always subordinate to the CUPE Constitution (including Appendix B) as it now exists or may be amended from time to time, and in the event of any conflict between these by-laws and the CUPE Constitution the latter shall govern. Constitutional interpretation, including determination of conflict, is the prerogative of the National President.

(Articles 9.2(c), 13.3 & B.5.1)

- b) These by-laws shall not be amended, added to, or suspended except upon a majority vote of those present and voting at a regular or special membership meeting following written notice given at a previous membership meeting.
- c) No change in these by-laws shall be valid and take effect until approved by the National President of CUPE. The validity shall date from the letter of approval of the National President.

(Articles 13.3 & B.5.1)

Revision – Changes approved to December 2014.

## **ADDENDUM TO THE BY-LAWS**

### **VOLUNTEERS**

- Volunteers will not be used to replace or displace paid staff.
- The number of paid staff is to be determined without consideration of volunteer contributions
- Volunteers are not to be providers of service, but rather only to add something extra; for instance, more personal contact
- Volunteers do not run programs
- If volunteer activity illustrates an ongoing need, then the work should be paid. Once the pioneering is over, the job should be permanent
- An essential job on a continuing basis should be paid
- No one should voluntarily do a job for which people normally get paid, or for which there is a job description
- Volunteers should only be used on a 'by-need', 'special occasion' basis, but should not supplement a program on an ongoing basis."

(Taken from the B.C. Division By-Laws)

## APPENDIX "A" TO THE BYLAWS OF LOCAL 476, CUPE

### RULES OF ORDER

1. The President or, in his absence, the Vice-President, shall take the chair at all membership meetings. In the absence of both the President and Vice-President, the Recording Secretary shall act as President, and in his absence a President pro-tem shall be chosen by the Local.
2. No member, except the Chairperson of a committee making a report or the mover of a resolution, shall speak more than five minutes, or more than once on the same question without the consent of the meeting or until all who wish to speak have had the opportunity. Chairpersons and movers of a resolution shall be limited to fifteen minutes, except with the consent of the meeting.
3. The President shall state every question coming before the Local, and before allowing debate thereon, and again immediately before putting it to a vote, shall ask: "Is the Local ready for the question?" Should no member rise to speak, the question shall then be put.
4. A motion to be entertained by the presiding officer must be moved and seconded; both mover and seconder must rise and be recognized by the chair.
5. A motion to amend, or to amend an amendment, shall be in order, but no motion to amend an amendment to an amendment shall be permitted. No amendment, or amendment to an amendment, which is a direct negative of the resolution shall be in order.
6. On motion, the regular order of business may be suspended by a two-thirds vote of those present, to deal with any urgent business.
7. All resolutions and motions other than those named in Rule 17, or those to accept or adopt the report of a committee, shall, if requested by the presiding officer, be presented in writing before being put to the local.
8. At the request of any member, and upon a majority vote of those present, a question may be divided as agreed.
9. Any member having made a motion can withdraw it with the consent of the seconder, except that any motion, once debated, cannot be withdrawn except by a majority vote of those present.
10. When a member wishes to speak on a question or to make a motion, he shall rise in his place and respectfully address the presiding officer, but, except to state that he rises to a point of order or on a question of privilege, he shall not proceed further until recognized by the chair.
11. When two or more members rise to speak at the same time, the presiding officer shall decide which one is entitled to the floor.

12. Every member, while speaking, shall adhere to the question under debate and avoid all personal, indecorous, or offensive language, as well as any poor reflection on the local or member thereof.
13. If a member, while speaking is called to order, he shall cease speaking until the point is determined; if it is decided he is in order, he may again proceed.
14. No religious discussion shall be permitted.
15. The President shall take no part in debate while presiding, but may yield the chair to the Vice-President in order to speak on any question before the Local, or to introduce a new question.
16. The presiding officer shall have the same rights as other members to vote on any question. In case of a tie, he may in addition give a casting vote, or, if he chooses, refrain from breaking the tie, in which case the motion is lost.
17. When a motion is before the Local, no other motion shall be in order except (1) to adjourn (2) to put the previous question (3) to lay on the table (4) to postpone for a definite time (5) to refer (6) to divide or amend, which motions shall have precedence in the order named. The first three of these shall be decided without debate.
18. A motion for the previous question, when regularly moved and seconded, shall be put in this form: "Shall the main question be now put?" If it is adopted, the President shall proceed to take the vote on the resolution and amendments thereto (if any) according to their priority. If an amendment or an amendment to an amendment is adopted, the original resolution, as amended, shall be put to the Local.
19. A motion to adjourn is in order except (1) when a member has the floor, and (2) when members are voting.
20. A motion to adjourn, having been put and lost, shall not be in order again, if there is further business before the Local, until fifteen minutes have elapsed.
21. After the presiding officer declares the vote on a question, and before the Local proceeds to another order of business, any member may ask for a recount. A standing vote shall then be taken and the Secretary shall count.
22. If any member wishes to challenge (appeal) a decision of the chair, he must do so at the time the decision is made. If the challenge is seconded, the member shall be asked to state briefly the basis for this challenge. The Chairperson may then state briefly the basis for his decision, following which the Chairperson shall immediately and without debate put the question: "Shall the decision of the chair be sustained?" A majority vote shall decide except that in the event of a tie the chair is sustained.
23. After a question has been decided, any two members who have voted in the majority may, at the same or next meeting, move reconsideration thereof.



24. No member shall enter or leave a meeting during the reading of the minutes, the initiation of new members, the installation of officers, or the taking of a vote; and no member shall be allowed to leave without the permission of the Sargeant at Arms.
25. The Local's business, and proceedings of meetings, are not to be divulged to any persons outside the Local of the Canadian Union of Public Employees.