

## SECTION 18 – COMPLAINTS AND TRIALS

**A complaint regarding the CUPE Code of Conduct (Appendix C in our Bylaws) will be handled as follows:**

### **A) Informal Complaint Process**

**This process outlines a general procedure to resolve disputes internally. Undertaking the informal process does not preclude a member from commencing or participating in the processes outlined in the CUPE National Constitution at any time.**

- 1. Should they feel comfortable, a member may attempt to deal directly with the person alleged to have engaged in behaviour contrary to the Code of Conduct by asking them to stop such behaviour. A member may, alternatively, bring forward a complaint by contacting the Membership Officer. The role of the Membership Officer is to mediate the complaint from the position of a disinterested third party and to seek a resolution.**
- 2. For complaints lodged during an event or a meeting, the Membership Officer will work to seek a resolution. If this fails to resolve the matter, the Membership Officer has the authority to expel members from the meeting or event for serious or persistent offences.**
- 3. If the incident did not happen at a meeting or event, a Complainant will contact the Membership Officer to discuss their concerns. The Membership Officer will meet with the Complainant within one week of receiving a request to meet. The purpose of this meeting will be to:
  - a. inform the Complainant of the process;**
  - b. hear the complaint in as much detail as the complainant is comfortable giving;**
  - c. come to a decision as to whether this case falls under this procedure;**
  - d. discuss the amount of detail to be put in a written complaint; and**
  - e. save the complaint in the Membership Officer's Google Drive.****
- 4. Immediately following the meeting with the complainant, the Membership Officer will contact the Respondent, and request a meeting to be held within one (1) week. The purpose of this meeting will be to inform the Respondent of the process and to discuss:**

- a. the complaint in a level of detail as agreed upon beforehand by the complainant; an appropriate response as agreed upon beforehand by the Complainant;
  - b. the Respondent's version of the incident(s);
  - c. the willingness of the respondent to meet the remedies sought by the Complainant; and
  - d. any other measures the respondent or Membership Officer may deem appropriate. The role of the Membership Officer is to mediate a fair resolution amenable to both parties. Possible measures implemented in response to a complaint may include, but not be limited to:
    - a written and/or personal apology;
    - anti-harassment training;
    - a decision of "no judgement" for lack of evidence.
5. If the respondent is unwilling to commit to the remedies sought, or is unresponsive after one (1) week, the Membership Officer will convene a meeting with the Complainant to discuss alternate means of action including filing a formal complaint.
6. The Membership Officer will keep a confidential record of all proceedings.

#### **B) Formal Complaint Process (Appendix F CUPE Constitution)**

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. Members are expected to attempt to deal with issues prior to resorting to file a complaint.

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. All charges against members or Officers must be made in writing and dealt with in accordance with the Trial Procedure provisions of the CUPE National Constitution.

(Article B.11 and Appendix F)