



# **INTERNAL DISCIPLINE PROCEDURE**

**Effective January 1<sup>st</sup>, 2024**

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Adopted by the National Executive at its  
Meeting October 29-November 1, 2007.  
Amended in 2011, 2016, 2023, 2024 and as of October 21, 2025.

## TABLE OF CONTENTS

### ARTICLES

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#### PREAMBLE

|      |   |          |
|------|---|----------|
| I-   | INTRODUCTION  | 01 to 04 |
| II-  | OFFENCES  | 05 to 09 |
| III- | COMPLAINT FILED AGAINST A MEMBER OR A LOCAL UNION OFFICER ACTING IN THIS CAPACITY         |          |
|      | Form of complaint   | 10 to 14 |
|      | Determining whether sufficient evidence exists to establish an offence                    | 15 to 20 |
|      | Trial Committee   | 21 to 23 |
|      | Trial   | 24 to 30 |
|      | Conclusions and Decision  | 31 to 35 |
|      | Appeal  | 36 to 48 |
| IV-  | COMPLAINT FILED AGAINST AN OFFICER OF SEPB-QUÉBEC OR COPE ONTARIO ACTING IN THIS CAPACITY | 49 to 51 |
| V-   | GENERAL PROVISIONS  | 52       |

## **PREAMBLE**

The COPE Internal Discipline Procedure, hereinafter the "Procedure" was adopted by the National Executive Board in 2007 and subsequently amended in 2011 and 2016. It was adopted under articles 16.11 and 17.11 of the COPE Constitution, which expressly authorize a Local Union or Council (SEPB-Québec or COPE Ontario), hereinafter the "Council" to take disciplinary measures against its members.

Basically, the Procedure allows a member to file a complaint against another member or officer of a Local Union or Council. Such a complaint can be filed for any breach of the Constitution of a Local Union, a Council or the National Union. It can also be filed against a member who engages in any activity or conduct deemed contrary or prejudicial to the welfare or best interest of the Local Union, a Council or the National Union. The complainant can be heard in the first instance before the Executive Committee of the Local Union or the Council, if the complaint concerns one (1) of its officers. Appeal rights exist up to the National Union.

The Procedure is in addition to article 14 of the COPE Constitution entitled "Prohibited Activities". More specifically, article 14 provides for a disciplinary procedure to allow the National Executive to be seized in the first instance of a complaint alleging a breach of the National Union's Constitution or any activity detrimental or contrary to the interests of the National Union. Article 14 applies in cases where the interests of the National Union are at stake. It does not apply if the complaint alleges a breach of the Constitution of the Local Union or a Council. In fact, article 14 is applicable only in exceptional circumstances.

In 2023, the National Executive Board appointed a committee to review the Procedure. It was to take into consideration doctrine, jurisprudence, models developed over the years by other trade unions, but also cases that had been brought to the attention of the National Union. The review also had to be consistent with our identity as a highly decentralized Canadian trade union, where power is primarily vested in Local Unions.

As a reminder, COPE-SEPB is made up of four (4) regions that are very different in terms of both size and geographical scope.

Region 1 (Québec) represents fifteen thousand (15,000) workers in eleven (11) Local Unions concentrated mainly in the Greater Montreal Area. Region 2 (Ontario) represents six thousand (6,000) workers in eighteen (18) Local Unions spread all over the province. Both regions have Councils (in accordance with article 16 of the COPE Constitution), which provide various services to their respective Local Unions and members as well. Region 3 represents approximately two thousand (2,000) workers in the Prairies, Northwest Territories and Nunavut. It has no Council and is made up of two (2) Local Unions of uneven size. Since 2007, the Procedure applies to these three (3) regions.

Finally, Region 4 represents twelve thousand (12,000) workers in British Columbia and the Yukon. It has no Council and only one (1) Local Union, Local 378, better known as Move UP. Due to its large size and unique structure, it has a disciplinary procedure set out in its own Constitution. As a result, the present Procedure does not apply to Region 4.

Following the committee's work and recommendations, the new amended Procedure was adopted by the National Executive Board in accordance with the COPE Constitution effective January 1<sup>st</sup>, 2024. It will replace all previous versions of the Procedure. However, any complaints or appeals filed prior to January 1<sup>st</sup>, 2024 shall continue to follow the previous version of this Procedure.

## **I- INTRODUCTION**

- 01- The purpose of the Procedure is to provide members an internal process to make complaints against other members dealt with in a fair and impartial manner. This Procedure does not apply to Region 4.
- 02- The Procedure is not to be used for political gain or to resolve interpersonal conflict which does not have a foundation in one (1) of the enumerated offences.
- 03- In addition, the Procedure introduces the principle of mediation, which should resolve many disputes. Problems are often best resolved when members can discuss them in a mediation setting.
- 04- Finally, the Procedure expressly specifies several fundamental rights, including the following:
  - a) Respondents have the right to know the complaint against them and if necessary to have particulars of the complaint;
  - b) Parties must be given reasonable notice of the hearing date, time, and location of the complaint. A hearing may be held in person or online and will be conveyed to both parties in advance;
  - c) The hearing must be conducted in substantial compliance with the intent and purpose on the Local Union, Council and National constitutions;
  - d) The complainant bears the burden of proof;
  - e) The right to call evidence, introduce documents, cross-examine witnesses, and make submissions;
  - f) The right to a hearing conducted in good faith and without actual bias;
  - g) The Trial Committee shall not be bound by the strict rules of evidence; however, any verdict reached must be based on the evidence presented and not be influenced by any matters outside the scope of the evidence;
  - h) The right to be represented by an advocate or legal counsel at their own expense;
  - i) All proceedings shall be conducted with appropriate decorum and respect for the process.

## **II- OFFENCES**

05- A Member who does any of these acts is guilty of an offence to the Council or Local Union constitution:

- a) Commits acts which are detrimental to the welfare of the Local Union or Council;
- b) Violates any provision of the Constitution of the Local Union or the Constitution of the Council;
- c) Violates any provision of any Bylaws of the Local Union or Council;
- d) Violates the oath of office;
- e) Reveals confidential information about the Local Union or Council to anyone not entitled to such information;
- f) Crosses a union picket line;
- g) Commits fraud or misrepresentation in connection with a Local Union, Council, or an election;
- h) Steals any property of the Local Union or Council;
- i) Becomes a member by dishonesty or misrepresentation;
- j) Helps any organization competing with the Local Union or Council in a way that is harmful to the Local Union or Council;
- k) Uses the name of the Local Union or Council to request monies or to advertise without proper authorization;
- l) Without proper authorization, gives a complete or partial list of the membership of the Local Union to anyone who is not an official entitled to this information.

06- In any case involving disciplinary action, there shall be no resort to a court of law until such recourse within this Procedure has been exhausted.

07- The following Procedure is inapplicable to any matter involving delinquency or failure to pay dues. Any Local Union may provide in its constitution or bylaws for automatic suspension of any member who is delinquent in their obligations.

08- Time limits defined in this Procedure may be extended by the body dealing with the complaint or appeal if reasonable grounds warrant such extension and provided that no serious prejudice to any party results from such an extension.

09- In the event the President of the Local Union or Council has an apparent conflict of interest, the complaint and any other documents shall be filed with the Secretary or Secretary-Treasurer of the Local Union or Council.

### **III- COMPLAINT AGAINST A MEMBER OR A LOCAL UNION OFFICER ACTING IN THIS CAPACITY**

#### **Form of Complaint**

- 10- Any proceeding shall commence with a complaint filed by the complainant in writing with the Local Union President, within ninety (90) days of the date of the alleged breach or of the date they became aware or should have become aware of the alleged breach, who shall then submit it to the Local Union Executive Board. The President of the Local Union shall also notify in writing by mail or email the charged member that a complaint has been filed, with a copy of such complaint and any related documents attached to the complaint.
- 11- All complaints include the following:
  - a) The name and bargaining unit of the complainant and of the charged member or the Local Union officer (the respondent);
  - b) The provisions of the Local Union constitution or bylaws or the Council Constitution which are alleged to have been violated;
  - c) The date or dates and details of the circumstances of each alleged offence;
  - d) A detailed statement of the facts describing each alleged breach, with a list of confirmed witnesses and documents the complainant intends to rely upon; and
  - e) The printed name and the signature of the person filing the complaint.
- 12- The following are entitled to file complaints:
  - A member or an officer of the Local Union;
  - An officer of the Council;
  - An officer of the National Union.
- 13- In cases of urgency where the reasonable interests of the National Union require immediate action, the National President may suspend any member or any officer of a Local Union. Such a suspension shall be followed by a written complaint filed by the complainant in writing to the Local Union president within thirty (30) days following the date of the suspension and the Local Union president shall deal with it in accordance with the procedure.
- 14- The respondent shall have the right to contest such complaint in writing by transmitting their statement to the Local Union President within fifteen (15) working days of the complaint being mailed or emailed to the respondent. The Local Union President shall transmit such statement, including any applicable documents received from the respondent to the Local Union Executive Board with a copy to the complainant.

**Determining whether sufficient evidence exists to establish an offence.**

- 15- It is within the power of the Local Union Executive Board to decide, at its next meeting, to:
  - a) Designate an investigator who is charged with collecting facts, obtaining copies of all pertinent documents and reporting to the Local Union executive board;
  - b) Designate a mediator to try to settle the complaint;
  - c) Determine that a Trial Committee must be appointed;
  - d) Dismiss the complaint as unwarranted; or
  - e) Any combination of these four (4) options.
- 16- The costs of the investigation or the mediation are borne by the Local Union where the complaint originates. If the investigator or the mediator is a Union Representative or an officer of SEPB-Québec or COPE Ontario, the applicable Council shall assume the related costs.
- 17- The complainant, the respondent, and material witness(es) shall refrain from participating in the Local Union Executive Board's disposition of the complaint.
- 18- Written notification of any action taken shall be sent to the complainant and the respondent within fifteen (15) working days following the option chosen by the Local Union Executive Board.
- 19- If the decision of the Local Union is to dismiss the complaint, the Complainant may appeal in writing to the National President within fifteen (15) working days upon receipt of the decision. The National President, upon receipt of an appeal, will determine if the appeal is warranted or not.
- 20- The appeal process provided for in articles 36 to 48 shall apply with all appropriate adaptations being made.

## **Trial Committee**

### **21- Regions 1 and 2**

Where the matter has not been settled through mediation and if a decision has been made to appoint a Trial Committee, the President of the Local Union must transmit its decision as well as the complaint, the statement of the Respondent and any applicable documents to the Executive Director of SEPB-Québec or the Director of COPE Ontario. The latter, after consultation with the President of the Council, shall appoint three (3) persons, at least two (2) of which are members from any Local Union in the region to serve on the Trial Committee. Wherever possible, the three (3) persons from the Trial Committee shall not come from the Local Union(s) involved in the original complaint and/or initial decision. The Executive Director of SEPB-Québec or the Director of COPE Ontario shall appoint the Chairperson of the Trial Committee. The Executive Director of SEPB-Québec or the Director of COPE Ontario may appoint someone at their Local Union or Council's cost, to guide the tribunal and provide support and advice on procedural matters.

### **22- Region 3**

Where the matter has not been settled through mediation and in the event that a decision has been made to appoint a Trial Committee, the President of the Local Union must transmit its decision as well as the complaint, the statement of the Respondent and any applicable documents to the National President. The latter, after consultation with the Vice Presidents of the National Union of Region 3, shall appoint three (3) persons, at least two (2) of which are members from any Local Union in the region to serve on the Trial Committee. The National President shall appoint the Chairperson of the Trial Committee.

### **23- The applicable president of the Local Union may appoint someone at their Local Union's cost, to guide the tribunal and provide support and advice on procedural matters.**

## **Trial**

### **24- The Chairperson of the Trial Committee shall convene a teleconference with the Complainant and Respondent and their respective representatives, if applicable, to deal and rule with preliminary matters concerning the trial including procedural questions.**

### **25- The Trial Committee shall hear and receive evidence in accordance with the following principles:**

- a) Respondents have the right to know the complaint against them and if necessary to have particulars of the complaint;**
- b) Parties must be given reasonable notice of the hearing date, time, and location of the complaint. A hearing may be held in person or online and will be conveyed to both parties in advance;**

- c) The hearing must be conducted in substantial compliance with the intent and purpose of the Local Union Constitution and the Council Constitution;
- d) The Complainant bears the burden of proof;
- e) The right to call evidence, introduce documents, cross-examine witnesses, and make submissions;
- f) The right to a hearing conducted in good faith and without actual bias;
- g) The Trial Committee shall not be bound by the strict rules of evidence; however, any verdict reached must be based on the evidence presented and not be influenced by any matters outside the scope of the evidence;
- h) The right to be represented by an advocate or legal counsel at their own expense;
- i) All proceedings shall be conducted with appropriate decorum and respect for the process.

26- The Trial Committee shall make the necessary arrangements to have a recording of the hearing.

27- The Trial Committee must act with all three (3) members. If a member of the Trial Committee cannot fulfill their duties, the matter is referred to the National President to either replace the Trial Committee member or to proceed with only two (2) members of the Trial Committee. Whenever possible, a new Trial Committee member should be appointed unless to do so would result in an undue delay in the process.

28- The costs of conducting a trial shall be borne by the Local Union.

29- The parties shall be responsible for their own costs, including the costs for any witnesses, representatives, or evidence.

30- If either the complainant or the respondent does not attend the hearing, the Trial Committee may dismiss the complaint, adjourn the hearing, or hold the hearing and decide the complaint in their absence.

## **Conclusions and Decision**

- 31- Upon the end of the hearing, the Trial Committee shall, as soon as practicable, conclude whether the complaint has been proven, and if the offence(s) for which they have been charged has been sustained. A majority of the members of the Trial Committee is required to come to a conclusion.
- 32- Should the Trial Committee sustain the charge(s), it then shall determine the appropriate level of discipline. If appropriate the Trial Committee may seek further submissions from the parties before imposing any discipline.
- 33- Discipline may include, but is not limited to any of the following:
  - a) Reprimand in writing;
  - b) Fine;
  - c) Suspension from membership for a specified period;
  - d) Suspension of the right to hold office for a specified period;
  - e) Prohibition from holding office;
  - f) Expulsion from membership;
  - g) Reimbursement of any monetary losses;
  - h) Expenses incurred by the complainant, respondent, or Local Union;
  - i) Any other disciplinary measures the Trial Committee deems appropriate; or
  - j) Any combination of the foregoing penalties.
- 34- Each member of the Trial Committee signs the conclusions, and the Chairperson of this Committee forwards them to the Local Union Executive Board and the parties. A member of the Trial Committee may record and justify their dissent. The written conclusions will set out detailed reasons for the Trial Committee's findings. The Chairperson of the Trial Committee will also provide the entire file including any audio or video recordings of the hearing to the Secretary or Secretary-Treasurer of the Council for Regions 1 and 2, and to the National Secretary-Treasurer for Region 3. The recording and all applicable documents of the trial shall be secured and saved for not less than three (3) years from the date of the conclusions.
- 35- The Local Union Executive Board is bound by the written findings of the Trial Committee and shall render its decision accordingly.

## **Appeal**

- 36- Within thirty (30) days of the date the Local Union Executive Board decision is received, either party may appeal to the National Executive in writing to the National President setting forth the grounds for appeal, with a copy to the other party. The opposing party has thirty (30) days to present their views in writing to the National President, with a copy to the appealing party.
- 37- The written appeal will set out:
  - a) The part or parts of the decision that are being appealed;
  - b) The date on which the decision was reported to the appellant;
  - c) The reasons for the appeal and all applicable documentation and names of witnesses required to support their appeal;
  - d) Whether the appellant wants a hearing or wants to make submissions in writing;
  - e) the remedy requested by the appellant.
- 38- An appeal filed in accordance with these rules will not defer the imposition of any penalty. A request for the suspension of any penalty must state the reasons supporting the request and shall be filed with the National President with a copy to the opposing party, who may choose to contest. The National Executive Board shall decide, at its next meeting, on the validity of the request based on the documents presented in support of the request. Suspension of a penalty pending the appeal process may be granted by the National Executive Board to avoid serious or irreparable injury to the appellant, or a situation of such a nature as to render the judgment in appeal ineffectual. The respondent to the appeal shall be provided an opportunity to express their position on the request for a penalty suspension. This decision of the National Executive Board on whether to suspend a penalty, pending the appeal shall be final until such time that the appeal panel has ruled.
- 39- The appellant shall send the appeal to the National President by registered mail or by email, send a copy to the responding party, and to the Secretary Treasurer of the Council in Region 1 or 2, or the National Secretary Treasurer for Region 3, who shall then send a copy of the recording and all applicable documents of the trial to both the appellant, the respondent, and the National President.
- 40- The National President shall appoint three (3) persons, at least two (2) of which are members of the National Executive Board to be the Appeal Panel. The National President shall determine who will be the Chairperson of the Appeal Panel.
- 41- The Appeal Panel shall determine its own procedures and give the parties an opportunity to present their case and make submissions on the issues in the appeal.

- 42- If a party requests a hearing, the Appeal Panel shall determine whether the appeal will take place in person or online or a combination thereof, and the way in which the appeal shall proceed.
- 43- Any notice is sent by registered mail or by email.
- 44- The parties have the right to be represented at the appeal at their own expenses.
- 45- The costs of conducting the appeal are borne by the National Union. The National Union is not responsible for the costs of the parties.
- 46- The Appeal Panel can confirm or set aside the decision of the Local Union Executive Board and can confirm, amend, or set aside any penalty or order made by the Local Union Executive Board.
- 47- The Appeal Panel shall make submit its conclusions within ninety (90) days of the completion of the hearing or written submissions. Each member of the Appeal Panel shall sign the conclusions, and the Chairperson of this Panel forwards them to the National President who shall share the results with the National Executive Board. A member of the Appeal Panel may record and justify their dissent. The written conclusions will set out detailed reasons for the Appeal panel's findings. The Chairperson of the Appeal Panel will also provide the entire file including any audio or video recording of the hearing or any dissent to the National Secretary-Treasurer. Once the National Executive Board has reviewed the Appeal Panel's conclusions, the National President will forward them to the appellant, respondent, the Council President and/or the Local Union President.
- 48- The National Executive Board is bound by the written conclusions of the Appeal Panel and shall enforce them. The decision of the National Executive Board is final and binding.

#### **IV- COMPLAINT AGAINST AN OFFICER OF SEPB-QUÉBEC OR COPE ONTARIO ACTING IN THIS CAPACITY**

- 49- The provisions of Part III apply to Part IV with all appropriate adaptations being made and with the following accommodations:
  - a) The term "Local Union" shall be replaced by "SEPB-Québec." or "COPE Ontario";
  - b) The term "Local Union President" shall be replaced by "SEPB-Québec President" or "COPE Ontario President";
  - c) The term "Local Union Executive Board" shall be replaced by "SEPB-Québec Executive Board" or "COPE Ontario Executive Board".
- 50- Where the matter has not been settled through mediation and in the event that a decision has been made to appoint a Trial Committee, the president of SEPB-Québec or COPE Ontario shall transmit its decision as well as the complaint, the statement of the respondent, all applicable documentation and witness information to the National President. The latter, after consultation with the Vice Presidents of the National Union for the applicable Region, will appoint three (3) persons, at least two (2) of which are members from any Local Union in the Region to serve on the Trial Committee. Wherever possible, the three (3) persons for the Trial Committee shall not come from the Local Union(s) involved in the original complaint and/or initial decision. The National President shall determine who will be the Chairperson of the Trial Committee.
- 51- The Executive Director of the SEPB-Québec or the Director of COPE Ontario may appoint someone to guide the tribunal and provide support and advice on procedural matters. In this instance, the costs associated with this assistance shall be borne by the applicable Council.

## **V- GENERAL PROVISIONS**

- 52- Any matter not provided for herein and affecting its implementation shall be referred to the National President by the Chairperson of the Trial Committee or by the Chairperson of the Appeal Panel.