

Dear Sisters, Brothers, and Friends:

The 2020 pandemic has taught us a lot about new ways to communicate, meet, and conduct the affairs of the union. From being unable to meet in person to embracing technology to meet more often, we are now looking at having hybrid gatherings to answer the need to connect in person as well as offer options to those who appreciate the convenience of joining remotely.

With the experience of the last years, we have learned about the advantages and the pitfalls of different meeting options and voting tools. This memo serves as an update to guide locals and chartered organizations on virtual and hybrid meetings and electronic votes. A comprehensive guide with sample bylaw language and practical tips is being drafted and will be available shortly.

### **National Constitution and local bylaws**

In 2020, we had to turn on a dime to be able to continue to operate without compromising basic democratic principles in decision-making. We needed flexibility with our governing rules to allow for virtual meetings despite bylaws not contemplating them. We now have to adhere to those rules to ensure that the way we conduct business conforms to the wishes of our membership, and that is done by updating bylaws.

The National Constitution was amended in 2021 to specifically allow virtual and hybrid meetings, as well as electronic voting. The following articles were amended to read:

#### **B.2.3 Elections**

All officers are elected by majority vote of unspoiled ballots at a membership meeting of the Local Union, by electronic vote at a virtual membership meeting, or by referendum vote if voting at a membership meeting is not practical. Adequate notice must be given where the vote is held at a membership meeting. A referendum vote must be held in a way that permits all members to participate. The Local Union can choose whether to elect officers by majority or plurality vote when it holds a referendum vote.

### **B.6.2 In person or virtual meetings**

The Local Union may hold membership meetings in person and/or virtually. Where virtual meetings are held, all voting will be conducted electronically provided secrecy can be maintained, where mandated.

The amendments to the National Constitution do not mean that local bylaws automatically allow for virtual meetings and electronic voting. Local bylaws must be updated to ensure that the members agree with the option for their own local.

When updating local bylaws, it should be specified that electronic voting must be done using a secure platform that guarantees the secrecy and integrity of the vote.

### **Format of meetings**

Local membership meetings may be held in different formats, provided the local bylaws allow for different options. If the bylaws only contemplate in person meetings, they should be amended to include other options as the membership sees fit. Before amending the bylaws, the local should make sure to have the capacity to organize a virtual or hybrid meeting with appropriate technology.

Options include:

1. **Fully virtual meetings:**

A fully virtual meeting is held exclusively online, provides for communication between all participants, and includes a single voting option that ensures the integrity of the vote, and its secrecy where warranted.

2. **Hybrid meetings with two-way communication and online voting:**

A hybrid meeting is held both in person and online, provides for two-way communication between remote participants and in person participants, and includes a voting option that ensures the integrity of the vote, as well as a single secret voting option where warranted.

3. **Limited hybrid meetings, with members participating remotely with voice but no vote:**

This type of limited hybrid meeting is held both in person and online, provides for two-way communication between remote participants and in-person participants, but does not include a voting option for people joining remotely.

4. **Members participating remotely as observers only:**

This format is similar to live streaming a meeting that is held in person – it allows people to watch and hear the meeting remotely but does not allow them to speak nor participate in decision-making through votes. This option can be offered for information meetings that do not require decision-making.

If the local bylaws only contemplate in person meetings, the local may nonetheless offer members to observe the meeting remotely, or participate remotely with voice but no vote; however the notice of meeting has to be very clear that participating remotely does not allow to speak or vote in the meeting.

### **Quorum**

Only members who are able to fully participate, with voice and vote, are counted for quorum.

If members participating remotely can only ask questions of the administrators via chat, rather than fully participate in the debate, they should not be counted in the quorum because they don't have full voice in the meeting.

### **Recognizing speakers**

In hybrid meetings, the chair will need a method or system to ensure that both virtual and in person members can be recognized in a timely manner. For example, virtual participants should not be penalized by going last, and points of order raised by members online cannot be ignored or delayed. This may mean that someone needs to be tasked with keeping track of speakers, both in person and online, and ensuring that they are recognized in the order in which they signaled their intent to speak.

### **Voting**

The democratic decision-making processes are very important in our union, and if not handled properly, may cause members to lose confidence. This aspect of virtual and membership meetings must be looked at carefully.

#### **a. *Regular votes:***

Voting must be done in a consistent manner. This means that everyone needs to vote in the same way, whether they are in person or participating remotely. In other words, if voting is done by a show of hands, the polling option online cannot be used at the same time as a show of hands in person.

For routine votes such as adoption of the agenda or approval of minutes, it's recommended that unanimous consent be used. For example, the chair would ask, "unless anyone objects, we will approve the minutes as circulated". The chair would then pause and ask if there are any objections and if not, the minutes have been approved.

If an actual vote is required, the chair could ask for a show of hands both in person and virtual. The chair would ask for all those participants in favour of the motion to raise their hand. Participants would either raise their real hand or their virtual hand and then lower them and then those who were opposed would vote by raising their hand. This is a consistent way in which the vote is public, and everyone is sharing in a similar way of voting. If the vote is by show of hands, it cannot be secret or through a poll for online participants only.

## 2. ***Secret votes:***

Secret votes are required for elections, ratification of a tentative agreement or voting on offers during bargaining, as well as strike votes. Again, ensure that the bylaws permit electronic voting.

For a secret vote in a hybrid meeting, the vote needs to be done by a consistent method. Since virtual members cannot complete paper ballots, the in person participants need to vote using a secure electronic voting platform. To ensure the integrity and secrecy of the vote, the same platform must be used by all voters. Members attending in person would all

need access to an electronic device, or a voting station with a computer or tablet to vote in a secret vote. If this is not possible, then a hybrid election or secret vote is not possible for the local.

The electronic voting platform may accept votes cast on a phone, a smart phone, a tablet or a computer, as long as the results are amalgamated no matter what device was used. The platform used for a secret vote must guarantee the secrecy, including to the administrator of the vote. The platform must be able to provide the list of voters, but not how each member voted.

Electronic votes can only be conducted using a secure platform. To ensure the secrecy and integrity of the vote, a confidential personal identification method must be used to access the platform, or access must be via a personalized link. When the system requires an access code or password, someone who has access to the membership list should not be able to log in using another member's personal information.

### 3. *Referendums:*

Referendum votes are generally organized outside of meetings, to allow members to vote during an extended period of time. By definition, the referendum is a secret vote. These votes can be done with paper ballots or electronically, but not both at the same time. To ensure the integrity and secrecy of the vote, only one method of voting should be used.

## **Technology**

Zoom has been the go-to platform for many meetings in the last few years. Members are most familiar with this platform that is effective for smaller meetings. **However, Zoom does not provide an appropriate secret voting option.** Although the Zoom polling tool has been used during the pandemic to conduct

votes, we have run into issues regarding secrecy and integrity of results **and can no longer authorize this voting method for secret votes**. Zoom may still be used for hybrid information meetings or fully virtual meetings **without secret votes**, where raising hands is practical. In case an election result is challenged, or if a strike or ratification vote result is challenged, we need to be able to show that the voting platform guarantees the integrity and secrecy of the vote. We cannot do that with a Zoom poll.

Other polling software or web sites are never appropriate for voting, either for regular votes or secret votes. These platforms do not guarantee the integrity of the vote because someone can easily vote more than once with most of them.

Simply Voting is widely used for referendum style votes. This is an option that is not always effective for voting during a meeting, either virtual or hybrid, because the votes and referendum questions have to be planned in advance. The platform also has limitations that make it difficult in some cases to adjust to election rules under local bylaws. It is nonetheless possible to use Simply Voting where it is compatible. You may consult <https://www.simplyvoting.com>.

Motion Meetings is an online meeting platform with an appropriate in meeting secret voting option, as well as the referendum style vote. It can be used for hybrid meetings and provides landline phone-in access as well as audio and video on smart phones, tablets or computers. Motion Meetings can be customized to meet local bylaw requirements. The service is available in both English and French. The provider is Canadian and offers CUPE-specific rebates and a range of useful services. You may consult <https://lp.motionmeetings.co/cupe-scfp-eng>.

### **Notice of meeting and secure access**

The notice of meeting should always state clearly the format of the meeting and ways members can participate, including all limitations on voting or speaking that apply when participating remotely.

Access to a meeting with voting rights should be controlled in a way that ensures that only people who have the right to vote can do so.

The platform used for secret votes must restrict access with a personal identification method such as a PIN number or a personalized link. This is the only way the integrity of the votes can be ensured.

Where possible, notice of meetings should be sent directly to members' email address with complete and clear information on how to connect and participate remotely, as well as how the secure access code or link, as the case may be.

## **Accessibility**

Be aware of your members' accessibility needs. Technology can be used to increase accessibility, but it has limits.

Online and hybrid meetings are very useful for locals that cover a wide geographic area or with facilities that are spread out.

Online and hybrid meetings often increase participation, as they allow members with family responsibilities and members who are on leave to join in. They may also make things easier for members with disabilities. When using online meeting platforms, take the time to explore how the platform can be used to accommodate different needs.

Not all members have access to a device to connect virtually, and not all areas have good internet coverage. When organizing fully virtual meetings or electronic



votes, make sure that no one is left behind because of technology – a good option is to use a platform that allows land-line phone access to the meeting.

Hybrid meetings will not offer the same experience for in person and remote participants. Meeting online is never like being together in the same room and having social interactions as well as casual conversations before and after a formal meeting.

If you have any questions about organizing hybrid meetings in conformity with your local bylaws, contact your National Representative. The National President's Office will be able to assist them if necessary.

In solidarity,

A handwritten signature in black ink, appearing to read "Mark Hancock", with a long, sweeping horizontal stroke extending to the right.

MARK HANCOCK  
National President