

LOCAL 2010 BY-LAWS

Approved on April 21, 2015 by the International Secretary-Treasurer

ARTICLE I

Name

This organization shall be known as United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (to be known in short as the "United Steelworkers" and by the acronym "USW"), Amalgamated Local Union 2010 (hereinafter also referred to as the "Local Union" or "the Local").¹

ARTICLE II

Objects

First. To unite in this Local Union, regardless of race, ancestry, place of origin, sex, creed colour, ethnic origin, marital status, family status, political affiliation, citizenship, sexual orientation, handicap as defined in the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms, all working members of the United Steelworkers (hereinafter referred to as the "International Union"), and who are within the jurisdiction of this Local Union.

Second. To establish through collective bargaining improved compensation and conditions of employment for members of the Local Union, the International Union and workers everywhere regardless of type of work or place of work.

Third. To engage in educational, legislative, political, civic, social, welfare, community and other activities; to advance and safeguard the economic security and social welfare of workers in industry, the public sector, the International Union, its Local Unions and the free labour movements of Canada, the United States and the world; to protect and extend our democratic institutions, human rights and liberties; and to perpetuate and extend the cherished traditions of democracy, and social and economic justice in Canada, the United States and the world community.

Fourth. To encourage the organization and affiliation of unorganized workers who, subject to the provisions of Article VII, Section 1 of the International Constitution, may be placed within the jurisdiction of this Local Union.

Fifth. To take all steps and actions consistent with the Constitution and policies of the International Union, and these By-Laws, to implement and carry out the objects, rights, activities and responsibilities of this Local Union and the International Union.

ARTICLE III

Eligibility

Section 1. All members in good standing of the International Union who are within the jurisdiction of

¹ The terms "Local Union" and "Local" shall be interpreted to mean "Amalgamated Local Union" for the purposes of these By-Laws.

this Local Union shall, by virtue of such membership in the International Union, constitute the membership of this Local Union.

Section 2. Persons having supervisory power shall be eligible for membership subject to the terms established by the International Executive Board, and the collective agreements of this Local Union where these collective agreements are consistent with the terms established by the International Executive Board.

Section 3. No person shall be eligible for membership, or for nomination or election or appointment to, or to hold any office, or position, or to serve on any Committee in the International Union or in this Local Union or to serve as a delegate who is a consistent supporter of, or who actively participates in, the activities of any hate-based racist, terrorist, or other organization which advocates violence to affect government policy or to oppose the democratic principles to which Canada, the United States and our Union are dedicated.

This eligibility requirement shall be in addition to any other eligibility requirement imposed by any other Article or Section of the Constitution.

ARTICLE IV

Election of Officers and Unit Positions

Section 1(a). Officers of this Local Union shall be: President, Vice-President, Recording Officer, Financial Officer, Treasurer, Guide, two Guards, and three Trustees.

Section 1(b). The Executive Committee of this Local Union shall consist of the Officers of this Local Union, and the following Unit Officials: one Unit Chairperson; one Unit Secretary, if applicable; and one Unit Griever, if applicable. A member may hold more than one of the positions referred to in this Section.

Section 2. No member shall at the same time be a candidate for, or hold more than one, of the offices named in Section 1(a) of this Article.

Section 3. Local Union Officers, Unit Officials, and Grievance Committee Members shall be elected for a term of three years. Electronic elections (or other means determined by the Membership) will precede the April Membership meeting in 2015, and every three years thereafter. Elections shall be done by plurality vote of the members in good standing. Successful candidates will be announced at the April Membership meeting, and those elected shall take office at the first regular meeting in May. Current Officers shall serve until all money, official records and documents, and all property belonging to the Local Union has been turned over (by the first Membership Meeting in May) to their successors. In any case in which only one eligible member has been nominated for an office, and that member has indicated acceptance of the nomination within the time limits and in the manner prescribed by the approved By-Laws or rules of the Local Union, no election need be held for that office, and the member who has been so nominated shall be deemed elected. An Officer who is no longer employed by the enterprise serviced by the Local Union shall not be permitted to continue in office².

Section 4. Local Union elections for Local Union Officers, Unit Officials, and Grievance Committee

² Elections for Officers will be administered by the Local's Elections Committee

Members must be advertised (including the date, place and hours of the election to each member in good standing) amongst Members at least twenty working days prior to the date of the election by email to their work emails. If the email address bounces back, or a member is off work for any reason, the member will be advised fifteen working days prior to the date of the election by mailing a notice which includes the date, place and hours of the election to each member in good standing at the members' last known email or postal address. The notices must also specify the Local Union offices and Unit positions to be filled. Notice of the nomination meetings for Union offices and Unit positions shall be given to the membership at least one week in advance of the meeting. Nominations for Local Union offices and Unit positions shall be made at the March Local Union Membership meeting.

Section 5. No member shall be eligible for election as a Local Union Officer, Unit Official, or Grievance Committee Member unless:

- a) The member shall have been in continuous good standing³ for a period of twenty-four months immediately preceding the month in which the election is held;⁴ and
- b) The member shall have attended at least 1/3 of the regular membership meetings held by the Local Union, for which the member was eligible to attend, during the twenty-four month period immediately preceding the month in which the election is to be held, for regular election or election to fill a vacancy.

Meetings which a member was prevented from attending because of such member's Union activities, working hours, service in the armed forces of Canada, sickness which confines, bereavement⁵, or jury duty, shall not be counted as meetings held in determining such member's eligibility under this Section; provided that the member shall have the burden of proving inability to attend for one of the prescribed reasons, in accordance with procedures specified in the Local Union Elections Manual.⁶

Section 6. Local Union and Unit elections shall be conducted in accordance with the provisions of the Local Union Elections Manual adopted by the International Union.

ARTICLE V

Duties of Officers and Unit Officials

Section 1. Duties of President

(a) The President shall preside at all meetings of the Local Union and preserve order, and shall decide

³ See Article VIII, Sections 1-6.

⁴ If a member's Local Union or Unit has been in existence for a lesser period prior to the election, or the member has been in the bargaining unit for a lesser period, then the member must have been in continuous good standing from the time the member joined such Local Union or Unit.

⁵ Bereavement as defined in Article 23 of the Local 2010 CBA

⁶ Because of the difficulty many months after the fact of verifying the validity of a claim that an individual missed a meeting because of 'sickness that confines', any member who claims inability to attend a Local Union meeting because of 'sickness that confines' must notify the Recording Officer of the Local Union within one month of such meeting; otherwise the meeting will be counted as a meeting held in determining such member's eligibility under this section. Appeals for extenuating circumstances can be submitted to the Recording Officer for consideration by the Executive Committee.

all questions of order, subject to an appeal to the Local Union. The President shall have the right to vote at all elections of Officers, and when the members are equally divided on other questions, shall have the deciding vote.

(b) The President shall call special meetings by request of ten members in good standing of the Local Union. This request shall be in writing, shall state clearly the purpose of the meeting and shall be signed by those making such request. Notice of all special meetings must be given to the members of the Local Union by email or other reasonable means. The business of the special meeting shall be confined to the subject for which, that meeting was called, and the meeting shall be conducted in accordance with the same procedures as govern regular meetings. The provision concerning the holding of a special meeting does not require the Chair at such meeting to entertain a motion to vote on a matter which was acted upon after notice at a previous meeting. In the absence of a provision of the International Constitution of the Local Union By-Laws specifying the method of voting at such meetings, the membership in attendance at such meeting shall determine the voting method.

(c) The President shall enforce the provisions of the International Constitution and of these By-Laws and the policies and Manuals of the International Union, and shall appoint all committees not otherwise provided for, and be ex officio member of all committees. The President shall perform such other duties as the Local Union may assign.

(d) The President shall enforce vacancy provisions as follows:

- i. In the event that a vacancy occurs in the office of the Vice-President, Financial Officer, Recording Officer, Treasurer, Trustee, Guide or Guard or in the position of a Grievance Committee Member at any time during the term of office, the remaining Local Union Officers may, by majority vote, select a successor to serve for the remainder of the term.
- ii. Wherever a Local Union Officer (except President) or Grievance Committee Member, because of receipt of an extended vacation benefit or otherwise will be unable to serve during an extended temporary period, a temporary replacement will be designated as provided in subparagraph (d) iv of this section. The temporary replacement shall carry out all the duties of the office of post during the temporary period.
- iii. Where the temporary vacancy is in the office of the Local Union President, the Vice-President shall assume the duties of the President including the authority to be one of the signatories to cheques, and shall be known as "Acting President." When the temporary period has ended, the "Acting President" shall revert to the position of Vice-President.
- iv. Where the temporary vacancy is in a Local Union Office (other than President) or in a Grievance Committee post, the Local Union Officers shall, by majority vote, select an "Acting" replacement. The Acting Treasurer and/or Acting Financial Officer shall be authorized, during the temporary period of their service, to be signatories to cheques. A replacement shall serve only until the temporary period is ended.
- v. In the event of a vacancy among the 11 Officers, none of the remaining Officers, either alone or acting together, may perform the functions of the vacant office but rather the vacancy must be filled in accordance with the provisions set forth in (d) ii.

- vi. In the event of a vacancy (other than a temporary vacancy) that occurs at any time in a Unit position during the term of office, the remaining Unit officials (not including the Unit Griever) together with the Local Union Officers, may by majority vote, select a temporary replacement from that Unit to service for the remainder of the term.
- vii. Where a temporary vacancy occurs in a Unit position, an “Acting” replacement shall be selected by majority vote of the Unit Chairperson, the Unit Secretary and the Local Union Officers.

Section 2. Duties of Vice-President

The Vice-President shall assist the President in the discharge of the President’s duties and during the President’s absence shall perform the duties of the President. In the event that a vacancy occurs in the office of President, the Vice-President shall act as President for the remainder of the term.

Section 3. Duties of Recording Officer

The Recording Officer shall record the proceedings of the Local Union in a book kept for that purpose, read all papers and perform such other duties as are required by the International Constitution, these By-Laws, the various Manuals and policies of the International Union, and the Local Union. The Recording Officer shall also have custody of the Local Union Seal, and shall be responsible for any misuse of same.

Section 4. Duties of Financial Officer

(a) The Financial Officer shall verify the receipt of all money due the Local Union and inform the same to the Treasurer. The Financial Officer shall also keep accurately the accounts of the Local Union with its members, and shall at all times have the books open for examination by the Trustees, and perform such other duties as are required by the International Constitution, these By-Laws, the various Manuals and policies of the International Union, and the Local Union. Members may view the books by appointment only. The Financial Officer shall make out the various reports required by the International Secretary-Treasurer and forward such reports to the International Secretary-Treasurer in accordance with instructions.

(b) Should it be proven that the Financial Officer has failed to report monthly the full membership of the Local Union and carry out all applicable transactions, the Financial Officer shall be suspended from all privileges and benefits until the deficiency is made good, and shall be liable to the International Union.

(c) The Financial Officer shall keep a record of all membership transfer request forms issued and received.

(d) The Financial Officer’s accounts shall be subject at all times to audit by the International Secretary-Treasurer.

(e) The Financial Officer shall make a detailed financial report at least once each month at the Local Union meeting covering the receipts and expenditures of all funds of the Local Union. If the expenses of the Local Union exceed its current income or impair its reserves, the Financial Officer is obliged to call this fact to the attention of the membership.

(f) The Financial Officer, in consultation with the President, shall prepare an annual budget to be reviewed by the Executive Committee for recommendation to the Membership at the October meeting.

(g) The Financial Officer shall sign all cheques and have them counter-signed by the President and the Treasurer.

Section 5. Duties of Treasurer

(a) The Treasurer shall receive from the Financial Officer for review all monthly reports of money received by the Local Union, and verify that it has been deposited in the Local Unions designated bank account. The Treasurer shall sign all cheques and have them counter-signed by the President and the Financial Officer.

(b) The Treasurer shall keep regular and correct accounts of all monies received and paid by the Financial Officer. The report at each meeting should include the balance of deposits shown since the last report, the amount received since, the total cheques issued and authorized, and the balance remaining. The Treasurer's accounts shall be open for examination by the Trustees at any time when called upon. The Treasurer's books shall be subject at all times to audit by the International Secretary-Treasurer of the United Steelworkers. Members may view the books by appointment only. The Treasurer shall perform such other duties as are required by the International Constitution, these By-Laws, the various Manuals and policies of the International Union, and the Local Union.

(c) All money paid out by the Local Union from its treasury must be approved by the members at a Local Union meeting. Under no circumstances shall Officers or members pay bills without authorization from the membership at a Local Union meeting, nor shall the members authorize payment of any bill or incur any obligation for which funds are unavailable, nor shall the members authorize the payment of or incur a debt for any activity not in accordance with the Constitution and policies of the International Union and these By-Laws. Bills charged to the Local Union should be submitted to the President, who in turn shall present them to the membership for approval at the next Local Union meeting.

(d) Recurring standard bills such as fixed salaries which have been previously authorized, taxes (municipal, provincial and federal), rent, hydro, heat, newsletter, office supplies, email management system, etc., may be paid by the Financial Officer on a single authorization by the Local Union to pay such bills when due.

Section 6. Duties of Guide

It shall be the duty of the Guide to see that all members who are present are entitled to remain, and to ensure that all present sign the attendance book.

Section 7. Duties of Guards

(a) It shall be the duty of the Outside Guard to verify Union membership (i.e. presentation of union cards), at the door and allow entry to those who are eligible.

(b) It shall be the duty of the Inside Guard to ensure that those who enter the meeting have been verified.

The Inside and Outside Guards will maintain order at all union meetings as directed by the Chair.

Section 8. Duties of Trustees

It shall be the duty of the Trustees to have charge of all property of the Local Union, subject to the direction of the Local Union. They shall audit the books and financial records of the Local Union every three months and give a report of such audit at the next regular Local Union meeting.⁷ They shall perform such other duties as the Local Union may require.

Section 9. Duties of Unit Officials

Unit Chairperson: It shall be the duty of the Unit Chairperson to preside at all meetings of the Unit; to decide all questions of order, subject to appeal to the Local Union; and, consistent with the provisions of these By-Laws and the Manuals, policies and Constitution of the International Union, to perform such other duties as the Unit or the Local Union may assign. The Unit Chairperson shall be an ex officio member of all committees in her/his Unit, and shall appoint all committees within the Unit not otherwise provided for.

Unit Secretary: It shall be the duty of the Unit Secretary to record the attendance and the proceedings of the Unit in books kept for that purpose, to read all papers and to perform such other duties, consistent with these By-Laws and the Manuals, policies and Constitution of the International Union, as the Unit or the Local Union may assign.

Unit Griever: It shall be the duty of the Unit Griever to process complaints and grievances within their respective Units and in accordance with the appropriate collective bargaining agreement and, consistent with these By-Laws and the Manuals, policies and Constitution of the International Union, to perform such other duties as the Unit or the Local Union may assign.

Section 10. The Local Union shall enforce the International Constitution, the various International Manuals and policies, and these By-Laws, as affecting its membership. The funds and property of the Local Union shall be managed, invested, expended or otherwise used to implement and carry out the objects, rights, activities and responsibility of the Local Union or the International Union, and to administer the affairs of the Local Union, in accordance with the Constitution, Manuals and policies of the International Union and these By-Laws.

Section 11. It shall be the duty of the President, Financial Officer and Treasurer to ensure that the funds and property of the Local Union are preserved, managed, invested and expended in accordance with the International Constitution, Manuals, policies and these By-Laws.

Section 12. Organizing

In order to encourage the organization and affiliation of unorganized workers who may be placed within the regional jurisdiction of this Local Union, this Local Union may engage in organizing activity upon the express authorization of the Director in the District in which this Local Union is situated, and subject to such terms and conditions as the District Director and the International President may impose.⁸

⁷ The Trustees should give special attention when checking disbursements recorded by the Financial Officer and Treasurer that proper authorizations for such payments have been entered by the Recording Officer in the Minutes of the Local Union.

⁸ In order to facilitate the recruiting and unionizing of workers in the Canadian provinces and in the Federal jurisdiction,

ARTICLE VI

Compensation for Services

Section 1. Salaries and expenses for Officers and employees of this Local Union shall be as follows:

- (a) Up to seventy-five percent of the President's annual income will be covered by the Local Union to allow the President to conduct business on behalf of the Local Union.
- (b) The Local Union shall employ at minimum 1 full-time Office Assistant to assist the President and Executive Members in the execution of their duties. The salary of the Office Assistant(s) will be recommended by the Executive and approved by the Membership.
- (c) Expenses: The Local Union shall provide out-of-pocket expenses to Executive Committee members, to be paid to members once per year in May in accordance with (h) below. The following monthly rates will apply:
 - President \$75.00
 - Chairperson of 2010-01 \$65.00
 - Vice President \$65.00
 - Recording Officer \$50.00
 - Financial Officer \$50.00
 - Treasurer \$35.00
 - Guide \$25.00
 - Inside Guard \$25.00
 - Outside Guard \$25.00
 - Each of 3 Trustees \$30.00
- (d) Executive members on full time union release to work in the Local Union will be adjusted by an additional \$50.00 per month for the term of their release to be paid once per year in May.
- (e) The Local Union shall provide \$30 per month to a member for IT Support Services that are provided in support of all IT needs for the Local Union to be paid once per year in May.
- (f) The Local Union will cover the release time, as required, up to 1 day every 3 months for the Audit Committee to carry out the quarterly audits and reporting.
- (g) The Local Union will cover the release time, if required, up to 1 day per month for the Financial Officer, Recording Officer, and Chairperson to carry out union duties
- (h) Expenses will be paid as outlined in sections (c-e), provided that Members perform the duties

each Local Union, where Provincial or Federal law, or the practice of any provincial Labour Board or Court or of the Federal Labour Board, requires the Local Union to be the applicant for certification, shall have an organizing committee consisting of the President, the Vice-President and a Staff Representative assigned to organizing. This committee may authorize the filing of an application for certification with the applicable Labour Board or Court on behalf of the Local Union and may take any steps deemed appropriate to insure that the certification proceedings are successfully completed.

required of the positions as designated by the International Union, the Executive Committee, and the membership. Such duties include attending 2/3 of the Executive meetings, and absences must be approved by the Executive. The April Executive Committee meeting agenda will include the review of attendance for all Executive members in preparation for the May payment.

- (i) The Local Union shall pay accommodation, travel expenses and per diem in the amount set by the International Union to members attending union business, events, conventions and conferences.
- (j) Travel for union business, including conferences, conventions and schools, and any car use on behalf of the Local Union, shall be compensated at the rate approved by the International Union. Train, plane, or taxi travel, as necessary, will be compensated at the most economical fare available by the Local Union. Mileage for any vehicle use shall be compensated at the rate approved by International Union.
- (k) The Local Union will pay the member's hotel bill, and travel expenses upon presentation of the bills, receipts, tickets, boarding passes, as applicable to the Financial Officer.
- (l) Compensation for release time to conduct union business shall be governed as follows:
 - No payment for release time shall be made for time spent on union business for any hours outside of the member's regular and normal working hours.
 - Release time shall not be paid for any overtime or accumulated hours.
 - All requests for release time shall be approved and authorized by the Local Membership prior to the beginning of the release time, to be eligible for reimbursement from the Local Union.
 - All release time requests will be submitted to the employer by the President, once approval has been received from the Membership.
 - Release time and expenses shall not be paid for a member who does not attend the event assigned by the Local unless an explanation for absence is presented to, and approved by, the Executive Committee.
 - Any release time required for local committee work, must be approved by the Local Union President.
 - Any Member who serves as a teller for a Unit, Local or International Union election, or a collective agreement ratification vote, shall have their release time paid for by the Local Union.
- (m) Members are required to submit a *Release Time and Expense Vouchers* within six weeks of returning to work after the expense was incurred. In special circumstances the President and Financial Officer may approve reimbursements to be paid to members beyond this period.
- (n) The Local will pay expenses for the domestic cell phone plan approved by the Executive Committee, for Executive Members on full time approved union release. If such Members are out of the country on union business, their cell phone plans should be adjusted to the most economical option that provides the necessary coverage during that period of time⁹.

⁹ Should the Office Assistant(s) incur expenses to their cell phones for Union business, they will be reimbursement upon submission of the receipts to the Financial Officer.

- (o) Members of the Bargaining Committee shall receive a meal allowance when actively engaged in Collective Bargaining except where a group meal receipt is submitted. The amount of the meal allowance shall be compensated at the rate of \$11.00 for lunch per day.

Section 2. All tax requirements shall be complied with.

Section 3. When a Member is appointed as a delegate to attend a convention or conference, the Local Union will pay up to a maximum of \$50.00 per child per day provided receipts are submitted confirming the expense. Child care costs that would normally occur had the member been at her/his workplace, or the child care was provided by a spouse or companion will not be reimbursed. Any request for childcare must be submitted in advance to the Executive Committee for their approval.

Section 4. Travel insurance shall be paid for by the Local Union for any member traveling on authorized union business outside of Canada if the member is not covered by the University's benefit package for travel insurance. The amount of travel insurance paid for by the Local Union will be equal to that provided for by the University's benefit package.

ARTICLE VII

Meetings

Section 1. The Local Union shall hold a membership meeting at least once every month, except that the Local Union may, with the approval of the membership, hold meetings less often, but in no event less than quarterly.

(a) The Local Union shall hold at least 1 membership meeting per calendar year at West Campus.

(b) All monthly membership meetings of the Local shall be held at a time to be determined by the Executive Committee, and communicated to the Membership at least 7 working days in advance of the meeting as well as indicated on the agenda at the previous regular monthly membership meeting.

Section 2. Each Unit of this Amalgamated Local Union may hold regularly scheduled membership meetings as required.

Section 3. Any officer of this Local Union and any officer or authorized representative of the International Union may attend to report to any Unit meetings.

ARTICLE VIII

Membership

Section 1. A member shall pay dues promptly commencing with the month during which the member shall have been admitted, and shall continue to pay all dues, assessments and fines or other obligations promptly when due in order to be, and remain, in good standing¹⁰.

¹⁰ Please note the provision in the Local Union Elections Manual which specifies that a recently hired employee who has signed and delivered to the University their appointment letter is considered to have satisfied the dues payment requirement for membership even though the member's first dues payment has not yet been deducted by the University.

Section 2. A member who has not lost good standing under other provisions of the International Constitution shall be in good standing if not more than 3 months in arrears in any constitutional obligations, except in respect to assessment on which the member shall be not more than 1 month in arrears.

Section 3. Members who lose good standing shall be automatically expelled and devoid of all membership rights¹¹, and shall not be reinstated in good standing except upon such terms as the Local Union and the International Executive Board may decide.

Section 4. Any member who retains employee status in a bargaining unit represented by the International Unit but who because of layoff has not, for 24 continuous months, performed at least 5 days' work in any month in such bargaining unit shall be deemed not in good standing (but not expelled) and devoid of all membership rights until such time as the member is redeployed or obtains employment in a bargaining unit represented by the International Union and resumes payment of current dues, at which time the member shall automatically be restored to good standing. No Local Union Officer or Grievance Committee Member shall lose good standing under this Section for the remainder of the term in office.

Section 5. A member not in good standing shall not be permitted to vote, be nominated for office, hold office, or be a candidate for office.

Section 6. A member whose membership is terminated shall have no right or interest in any property of the Local Union or of the International Union, including any dues, assessments or other financial obligations paid by such members in advance of the effective date of such termination and will be expected to return their union card upon termination.

ARTICLE IX

Discipline

Section 1. Any member may be penalized for committing any one or more of the following offenses;

- (a) violation of any of the provisions of the International Constitution or of these By-Laws, any collective bargaining agreement or rules of the Local Union;
- (b) obtaining membership through fraudulent means or by misrepresentation;
- (c) instituting, or urging, or advocating that a member of any Local Union institute action outside the Local Union against the International Union, Local Union or any of their officers without first exhausting all remedies through the forms of appeal of the International Union;
- (d) advocating or attempting to bring about the withdrawal from the International Union of any Local Union or any member or group of members;
- (e) publishing or circulating among the membership false reports or misrepresentations;
- (f) working in the interest of or accepting membership in any organization dual to the

¹¹ Automatic expulsion for loss of good standing must be construed as being confined to situations wherein members have not paid their dues fixed in accordance with the International Constitution, and all their assessments or other financial obligations which have been imposed by the International Union. Failure to meet financial obligations which have not been imposed by the International Union may not result in automatic expulsion but must be treated on the same basis as a commission of any other type of an offense by a member of the Local Union as provided in Articles XII and XIII of the International Constitution and Articles IX and X of these By-Laws.

- International Union;
- (g) slandering or willfully wronging a member of the International Union or Local Union;
 - (h) using abusive language or disturbing the peace or harmony of any meeting in or around any office or meeting place of the International Union or Local Union;
 - (i) fraudulently receiving any money due the organization or misappropriating the monies of the organization;
 - (j) fraudulently using the name of the International Union or Local Union for soliciting funds, advertising, etc., of any kind without the consent of the appropriate body or officer of the International Union or Local Union;
 - (k) furnishing a complete or partial list of the membership of the International Union or Local Union to any person or persons other than those whose official position entitles them to have such a list;
 - (l) deliberately interfering with any official of the International Union or Local Union in the discharge of that official's duties;
 - (m) deliberately engaging in conduct in violation of the responsibility of members toward the organization as an institution;
 - (n) deliberately interfering with the performance of the organization's legal or contractual obligations, and
 - (o) failure to carry out the defined duties of an office held as outlined in Article V.

Section 2. It is an offense under this Constitution to harass a member at a union or workplace-related location or activity on the basis of race, creed, color, sex, sexual orientation, age, disability, nationality, or other legally protected status, as defined in the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

Section 3. Any member convicted of any one or more of the above offenses may be denied the right to be a candidate for or hold office¹² or position in the Local Union, declared a member not in good standing, fined or otherwise appropriately disciplined.

Section 4. If any Officer of the Local Union, or delegate to an International Convention, is convicted of any one or more of the above-named offenses, such person may be penalized as described above in Section 3, and/or removed from office or position.

ARTICLE X

Trials of Members and Local Union Officers¹³

Section 1. Any charges against a member or Officer of the Local Union must be made in writing, signed by the member making the charges, and must be submitted to the Local Union. Upon submission of the charges, the Recording Officer shall send a copy by certified or registered mail to the accused member at the member's last known address.

The charges shall be sufficiently specific so as to enable the accused to prepare a defence. This means

¹² An individual who currently holds a Local Union office or position, may be removed from office.

¹³ An August 11, 1999 resolution of the International Executive Board prohibits the processing of charges instituted as a means of retaliating against a member for asserting rights under Human Rights legislation in Canada and Civil Rights legislation in the United States, regardless of whether such rights are asserted using the Local Union's internal procedures, contractual provisions or external statutory procedures.

that the charges should indicate both the provision(s) of the Constitution or the Local Union's other rules allegedly violated and also a brief statement of the facts (names, dates, places) constituting that violation. If there is more than one charging party, they must designate a person to be responsible for receiving and filing documents related to the charges. Where the charges fail to designate such person, then the first charging member named in the charge shall be considered the representative of the others.

Section 2. Charges must be submitted within 60 days of the time the complainant becomes aware of the alleged offense.

Section 3. A separate Trial Committee composed of 3 members shall be appointed by the Local Union President, subject to the approval of the Local Union membership, for each individual trial, and shall be given the responsibility of conducting such trial provided that in the case of multiple related charges the same Trial Committee may be appointed to try all such charges and may consolidate them into one hearing. If the appointments are not approved by the Local Union membership, the Local Union members at the meeting shall approve alternative appointments or elect the Trial Committee. Neither the accuser nor the accused shall be eligible for membership on the Trial Committee. If the accused member or the accuser is an Officer of the Local Union, such person shall not participate in the designation of the membership of the Trial Committee. No one shall be eligible to serve as a member of the Trial Committee who is a witness to the facts alleged to constitute a violation or who has a personal interest in the outcome of the Trial.

The Local Union action approving the appointment of the Trial Committee shall take place at the first meeting after the Local Union receives the charges unless the charges are received by the Local Union within 5 days before the meeting in which event the Local Union action shall take place the meeting following the first meeting after the Local Union receives the charges.

Section 4. Immediately after the Trial Committee has been selected by the Local Union pursuant to Section 3 of this Article, the Recording Officer of the Local Union shall send by certified mail or registered mail to the accused member at the member's last known address written notice of the time and place when the hearing will be held before the Trial Committee, a copy of which written notification of time and place shall also be sent to the member proffering the charges; and the accused member shall appear before the Trial Committee on said charges. A copy of the charge and notice of hearing shall also be sent to the International Secretary-Treasurer of the International Union by the Recording Officer.

Section 5. The hearing shall be held no sooner than 2 weeks and no later than 4 weeks from the date of the mailing of the notice and the charges to the accused member.

Section 6. Every effort shall be made to schedule the Trial so that it does not conflict with the working schedules of the parties. The hearing shall be conducted by the Trial Committee in an orderly manner and shall assure the full presentation to the Committee of all the facts. The accused shall be entitled to be present at all times during the hearing, investigation or argument or the case and shall be entitled to question all witnesses appearing in the matter so long as the questioning does not become insulting, unduly argumentative or repetitious. In the event that the accused fails to appear at the hearing at the time and place provided in the notice and presents no reasonable excuse for absence, the hearing shall proceed with the same force and effect as if the accused were present.

Section 7. At any time during the processing of charges alleging a serious violation by a Local Union

Official of Section 2 of Article IX, the International President may, upon written request (sent by certified mail, overnight courier or other means providing proof of receipt), and where supported by preliminary investigation conducted on behalf of the International President, summarily remove such Local Union Official from office during all or a portion of the time necessary to process the charge.

Section 8. The Trial Committee shall record minutes of its meetings and proceedings, and these minutes, together with any documents submitted, shall constitute the official record of the Trial Committee.

Section 9. A member placed on trial shall be permitted representation by a representative of the member's own choice, who shall be a member of the International Union; such representative, however, shall be required to abide by the trial procedure as established by the Trial Committee and as provided in these By-Laws. The same procedure shall be available to the person filing the charges.

Section 10. The Trial Committee, upon completion of the hearing of the evidence and argument, shall go into closed session to determine the verdict and penalty. The Trial Committee shall prepare a report in writing, stating the facts briefly as it found them, and its conclusions and recommendations. A majority vote of the members of the Trial Committee shall be required to find the accused guilty.

Section 11. If the accused is found guilty, the Trial Committee may recommend that the accused be reprimanded; assessed a fine; assessed a fine with automatic suspension and removal from office or position or expulsion in the event of the failure of the accused to pay the fine within a specified time; suspended or removed from office or position in the Local Union; or suspended or expelled from membership in the International Union; or otherwise appropriately disciplined.

Section 12. The Trial Committee shall submit its written report to the Local Union Officers within 2 weeks following completion of the hearing. At the same time a copy of the report shall be mailed to the International Secretary-Treasurer of the International Union and to the accuser and the accused.

Section 13. The Local Union Officers may convene a special meeting of the membership to consider the report of the Trial Committee. The notice of the special meeting shall inform the members that the report of the Trial Committee will be presented. Notice of such special meeting must also be given to the accused member and accuser.

Section 14. The special meeting at which the report of the Trial Committee shall be considered shall not be held earlier than 1 week or later than 4 weeks following the submission of the report of the Trial Committee to the Local Union.

Section 15. At the special meeting of the Local Union, the Trial Committee shall present its written report. The accuser and accused shall be afforded full opportunity to present to the special meeting their positions on all matters bearing upon the trial and the report of the Trial Committee.

Section 16. A report of the Local Union's decision shall be forwarded immediately to the International Secretary-Treasurer of the International Union by the Recording Officer.

Section 17. A copy of the decision of the Local Union shall be forwarded by certified or registered mail to the accused member and to the person who originally filed the charges by the Recording Officer. The

accused or the accuser may appeal the decision of the Local Union to the International Executive Board and thereafter to the next regular International Convention, provided that such person files notice of appeal with the International Secretary-Treasurer within 30 after the mailing of the notice of the decision of the Local Union or the International Executive Board from which the appeal is taken. On appeal, the International Executive Board or such body as it designates -- either itself or through a Commission or other mechanism -- affords all parties the opportunity to present all arguments and facts whether or not presented in the proceedings at the Local Union level. Decisions on such appeals are based on the evidence presented in the appeal. The International Executive Board shall not, in making its decision, be limited to the arguments or testimony presented at the earlier stages in the proceedings and shall be permitted by its appeal proceedings, to cure any procedural defects which may have occurred at earlier stages in the proceedings.

Section 18. The decisions of the Local Union and of the International Executive Board shall be given full force and effect unless a stay thereof is obtained from the International Executive Board.

Section 19. It shall be the duty of a member to exhaust all internal remedies and appeals provided under the Constitution and policies of the International Union and these By-Laws.

ARTICLE XI

Finances

Section 1. Monthly dues for a member shall be set in accordance with Article XIV of the International Constitution.

Section 2. The full amount of all dues and assessments submitted to the International Union by the employer, shall be deposited electronically by the International Union into the Local Union's bank account.

Section 3. An individual member shall be entitled to exoneration from the payment of dues for any month for which the member has not become entitled to 5 day's pay or its equivalent in wages and benefits in lieu of wages. The International Executive Board shall adopt rules and regulations governing the implementation, application and administration of this Section.

Section 4. In all cases, other than the one provided in Section 5 of this Article, where the Local Union desires exoneration from the payment of dues for certain of its members, the request for exoneration must be signed by the Local Union President, the Local Union Financial Officer and the Local Union Recording Officer, and approved by the District Director and the International Secretary-Treasurer.

Section 5. When exoneration is granted, the request on the required report must be renewed each month.

Section 6. The Local Union President, Vice-President, Financial Officer, and Treasurer shall be bonded in amounts to be determined by the International Executive Board. Such bonds shall be obtained by the International Secretary-Treasurer. Clerks employed by the Local Union and handling finances in any way must be bonded by the Local Union through arrangement with the International Secretary-Treasurer.

Section 7. Effective January 1, 1999, an Organizing Fund has been created that will be funded and administered as outlined in Article XIV, Section 16 of the International Constitution.

Section 8. The Local Union shall be affiliated with and pay the required per capita rates to the following organizations:

- a) Ontario Federation of Labour (OFL)
- b) Eastern Ontario Area Council (EOAC)
- c) Kingston and District Labour Council (KDLC)

ARTICLE XII

Delegates to International Convention

Section 1. No member shall be eligible to be a delegate to an International Convention unless the member:

- (a) is employed in an enterprise, public or private, or any other place within the jurisdiction of the International Union or is one of the staff representatives of the International Union;
- (b) shall have been in continuous good standing for a period of 24 months immediately preceding the International Convention¹⁴; and
- (c) has attended at least 1/3 of the regular meetings held by the member's Local Union during the 24 month period or the time they have been a member, immediately preceding the month in which the delegate election is to be held. Meetings that a member was prevented from attending because of such member's Union activities, working hours, services in the Canadian Armed Forces, sickness which confines, death in the immediate family, or jury duty, shall not be counted as meetings held in determining such member's eligibility under this Section; provided, that the member shall have the burden of proving inability to attend for one of the prescribed reasons, in accordance with procedures specified in the Local Union Elections Manual¹⁵.

Section 2. Delegates to the International Convention must be elected at a membership meeting of the Local Union, after the Call for the International Convention is received and has been read to the Local Union. The Recording Officer shall issue a Notice, signed by both the Recording Officer and the Local Union President, at least one week prior to such meeting or election, stating that delegates are to be elected on a certain day.

Section 3. The Local Union President shall be a delegate by virtue of office. If the Local Union President is unable to attend, the Vice-President shall be the designated delegate. Other delegates will be elected by

¹⁴ If the Local Union or Unit has been in existence for less than 24 months, or the member has been employed for less than 24 months, prior to the International Convention, the member must have been in continuous good standing from the time that the member joined such Local Union.

¹⁵ Because of the difficulty many months after the fact of verifying the validity of a claim that an individual missed a meeting because of "sickness which confines", the Local Union has adopted the following additional provision: "Any member who claims inability to attend a Local Union meeting because of a 'sickness which confines', must notify the Recording Officer of the Local Union within one month of such meeting, otherwise the meeting will be counted as a meeting held in determining such member's eligibility under this section."

a plurality vote at the membership meeting. Nothing in this section shall be construed as precluding the Vice-President from seeking election as a delegate.

ARTICLE XIII

Health & Safety Committee (including WSIB), Human Rights Representative, Women's Action Committee, and Organizing Committee

Section 1. A Health & Safety Committee (including WSIB and RTW Representatives), under the direction of the International Union or its designated representative, shall be established in the Local Union.

Section 2. In all matters of Human Rights a Representative will be appointed by the Local as required, under the direction of the International Union or its designated representative, Union to implement our Union's commitment to the protection and extension of human rights and freedoms.

Section 3. A Women's Action Committee, under the direction of the International Union or its designated representative, shall be established by the Local Union.

Section 4. An Organizing Committee under the direction of the International Union or its designated representatives shall be established in each Local Union to assist in organizing unorganized workers in the geographic area in which the Local Union is situated.

Organizing Committee -- In order to facilitate the recruiting and unionizing of workers in the Canadian provinces and in the federal jurisdiction, each Local Union, where provincial or federal law or the practice of any provincial labour board or court or of the federal labour board requires the Local Union to be the applicant for certification, shall have an organizing committee consisting of the President, the Vice President and a staff representative assigned to organizing. This committee may authorize the filing of an application for certification with the applicable labour board or court on behalf of the Local Union and may take any steps deemed appropriate to insure that the certification proceedings are successfully completed. If necessary, the organizing committee may hold a meeting by conference call.

ARTICLE XIV

Transfer Certificates

Section 1. The Local Union may issue to a member in good standing a "transfer request" transferring membership to another Local Union. All transfer request forms must be obtained from the International Secretary-Treasurer by the Local Union Financial Officer.

Section 2. All members must immediately transfer to the Local Union having jurisdiction over the enterprise, public or private, at which they are employed.

Section 3. Transfer requests issued in violation of this Article shall be invalid.

ARTICLE XV

Strikes

No strike shall be called without the approval of the International President.

ARTICLE XVI

Order of Business for Local Union Meetings

1. Call meeting to order
2. Roll call of Officers -- by Recording Officer
3. Reading of the minutes of the previous meeting¹⁶
4. Report of Officers
5. Report of Staff Representative and/or Organizer
6. Report of Special Committees
7. Reports of Standing (or Permanent) Committees
8. Unfinished Business
9. New Business
10. Good and Welfare¹⁷
11. Question & Answer Period¹⁸
12. Adjournment

ARTICLE XVII

Effective Date

Section 1. The provisions of these By-Laws which conform, as required, with the provisions of the standard By-Laws approved by the International Union are automatically in full force and effect. Any additions, or amendments to additions, to such standard By-Laws shall be in full force and effect after their adoption by vote at a membership meeting of the Local Union, in accordance with the form and procedure provided for in Article XVIII, and approval by the International Union.

Section 2. Notwithstanding anything to the contrary herein, these By-Laws and any additions or amendments to additions thereto shall be subject to, and shall not in any way be construed to supersede any of, the provisions of the International Constitution or the Manuals and policies of the International Union.

ARTICLE XVIII

Additions and Amendments

Additions and amendments may be made in the following manner:

Section 1. Any addition or amendment to the standard By-Laws approved by the International Union must be in the form of either a new Subsection under the proper Section, a new Section under the proper Article, or a new Article.

¹⁶ After the minutes have been read by the Recording Officer, and any errors, omissions, or corrections have been noted by the members, a motion must be made and seconded that the minutes be adopted. It is very important that brief, comprehensive minutes of each meeting be kept by the Recording Officer. These minutes are the official record of the business transacted by the Local Union meeting. A regular book is provided by the International Union for this purpose and should always be kept up to date.

¹⁷ All miscellaneous matters for the good of the Local Union which should be brought to the attention of the meeting should come to the floor at this time. These matters usually do not require any action by the members at the meeting. They are simply matters of information and education.

¹⁸ If time permits at the discretion of the meeting Chair.

Section 2. All additions and amendments to the standard By-Laws must not conflict with such standard By-Laws and must be submitted to the International Union for approval. Such additions or amendments shall become effective only after approval by the International Union.

Section 3. Proposed additions or amendments must be submitted in writing and read at 2 consecutive Local Union meetings, and passed by 2/3 majority vote of the membership present at the third Local Union meeting. The subject matter of such additions or amendments must be advertised to the membership by e mail or any other media prior to the meeting at which the vote thereon is to be taken. Such additions or amendments shall become effective only after approval by the International Union.

ARTICLE XIX

Good and Welfare

Section 1.

- (a) In the event of the death of a member or a member's spouse or same-sex partner, child or parent, retired member or retired member's spouse or same-sex partner, an appropriate remembrance (flowers, fruit basket, donation to a registered charity of the deceased's family's choice, etc.) to a value not exceeding \$55 plus applicable taxes and delivery fees, shall be sent by the Executive Committee to the family.
- (b) The President or her/his designate may attend the funeral of any deceased person as outlined in Section 1(a) on behalf of the Local.

Section 2. A token of appreciation from the Local Union will be given to any member retiring from the University. The gift value should not exceed \$100, and the Local Union will pay the first year membership fee for a retired member of the Local to S.O.A.R.