

CONSTITUTION AND BYLAWS
GRAIN WORKERS UNION, LOCAL 333 ILWU

ARTICLE 1: NAME

- 1.1 This organization shall be referred to as the Grain Workers Union, Local 333 ILWU (hereinafter referred to as the “Union”).

ARTICLE 2: OBJECTS

The objects of the Union are:

- 2.1 To regulate the terms and conditions of employment between its members and the employers with whom it has collective bargaining relationships.
- 2.2 To obtain for all members the best possible standards of compensation and other conditions of employment through the collective bargaining relationship it has with the employers.
- 2.3 To represent, protect, maintain and advance the interests of its members and to ensure that its members are treated justly in their dealings with their employers.
- 2.4 To organize the unorganized.
- 2.5 To directly or indirectly promote and further the interests of its members and of working people through social, cultural, financial and educational activities.
- 2.6 To strengthen the Union and its membership by promoting the unity and solidarity of unions and their members.
- 2.7 To adhere to human rights principles and to the principles of non-discrimination in its dealings with its members.
- 2.8 To support and carry out the purposes and policies of the Union.
- 2.9 To practice true democracy within the Union.
- 2.10 To end occupational injury and disease and to promote health and safety in the workplace.

ARTICLE 3: JURISDICTION

- 3.1 The Union has the jurisdiction to organize and represent workers in the grain handling industry in Canada.

ARTICLE 4: MEMBERSHIP

4.1 Applications for Membership:

- a. Applicants for membership in the Union shall complete the “Application for Membership” forms supplied by the Union. These forms must be completed before any new employee commences working.
- b. Upon approval for membership, new members shall pay an initiation fee of not less than fifty dollars (\$50.00).
- c. Membership shall take effect from the first day of the month after the initiation fee is paid.
- d. The Union may establish a different initiation fee upon a majority vote of the membership at a regular membership meeting.
- e. The Executive Committee may reduce the initiation fee for the purposes of organizing a group of employees. Such reduced fee shall not be less than five dollars (\$5.00) during the period for which dispensation is granted.
- f. No applicant for membership shall be discriminated against on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for which a pardon has been granted.
- g. All new members must affirm the following obligation (with his or her right hand raised, repeating after the installing officer):

“I, (name), solemnly promise and declare that I will support the Union and its principles as long as I am a member thereof; that I will comply with the Constitution, Bylaws, orders, regulations and decisions of the Union; that I will consider every one of its members as my friend and comrade and will, if within my power to do so, assist them and their families when they are in distress; and that I will not reveal any of the confidential affairs of the Union except to those who have a right to such knowledge. I solemnly promise and declare that I will undertake the faithful performance of this obligation”.
- h. Former members of the Union may apply for reinstatement subject to the approval of the membership.

4.2 Members in Good Standing:

- a. In order to be a member in good standing, a member must:
 - i. have no dues or assessments outstanding or unpaid; and
 - ii. not be suspended or otherwise removed from membership, or have any other restrictions placed on their membership, pursuant to the provisions of the Constitution and Bylaws.

4.3 Members Obligations:

- a. Members shall not bargain as individuals.
- b. Members shall uphold the principles of the Union and shall comply with the Constitution, Bylaws, orders, regulations and decisions of the Union.
- c. Members shall report promptly all contract violations to their respective Shop Stewards or other Union representatives.
- d. Members shall not attend grievances or attempt to settle grievances in the absence of a Shop Steward.
- e. Members shall be bound by actions taken by the Union.
- f. Members shall treat fellow members and officers of the Union with respect at all times.
- g. Members of the Union employed shall recognize the principles of seniority in assigning other members to any work under their control.

4.4 Authority to Make Agreements / Authority to Interpret the Collective Agreement:

- a. Neither the Union nor its members shall enter into agreements that are contrary to the Collective Agreement or the general policy of the Union without express written authority from the Executive Committee.
- b. No Union member, Shop Steward or other committee member shall enter into discussions or negotiations on behalf of the Union and its members with respect to the interpretation of the Collective Agreement or the general policy of the Union. Only titled officers shall have this authority unless it has specifically delegated such authority.
- c. Only the members of the titled officers have the authority to interpret the terms and conditions of the Union's Collective Agreement.
- d. Shop Stewards have the duty to monitor compliance with the Union's Collective Agreement. However, Shop Stewards are not permitted to interpret the terms and conditions of the Collective Agreement.

4.5 Disputes Between Members:

- a. If any difficulty arises between members, it shall be submitted in writing to the President. The President or their designate shall conduct an investigation and, with the approval of the Executive Committee, shall effect a solution where possible.
- b. If the difficulty cannot be resolved by the President or their delegate, it shall be referred to the membership for consideration.

ARTICLE 5: MONTHLY DUES

- 5.1 Each Union member shall remit dues to the Union.
- 5.2 The Union shall have the authority to set the dues charged to its members. Notice of a change in dues shall be posted no later than five (5) days in advance of a regular membership meeting or a special membership meeting held for that purpose.
- 5.3 Members who work two (2) days or more in one calendar month shall be required to remit the following to the Union:
- a. five (5) hours of gross pay at the base rate per calendar month for Union dues;
 - b. of these five (5) hours of pay, two and one half (2.5) hours of pay shall be paid into the Union's defence fund.
- 5.4 Members who work less than two (2) days in one calendar month are not required to remit dues for that month.
- 5.5 The Executive Committee may implement a special dispensation, whereby Union dues are reduced or waived for a period not to exceed one (1) year.
- 5.6 The Executive Committee may add a special levy to the total Union dues paid by each member. This special levy shall be for administrative, organizational, educational or defence fund purposes and shall be equal to two (2) hours per month of a member's gross pay at the base rate.
- 5.7 Monthly dues shall be chargeable for the calendar month beginning with the month in which the member is employed.

ARTICLE 6: SPECIAL ASSESSMENT

- 6.1 The Union shall impose no assessment on its members unless such assessment has been approved by secret ballot by a majority of the membership present at a regular membership meeting called for that purpose. Notice of such meeting shall be posted not less than five (5) days in advance of the meeting.

ARTICLE 7: ARREARS OF DUES AND REINSTATEMENT

- 7.1 A member who is in arrears for dues and assessments for a period of two (2) months shall automatically be suspended from membership, unless exonerated as provided for in Article 7.3 hereof.
- 7.2 A member thus suspended may be reinstated to membership upon payment of a reinstatement fee of not less than the current initiation fee provided for in these Bylaws and such other penalty as the Union may impose.
- 7.3 In its discretion, the Union may free from the obligation to pay dues those of its members who are not employed, on strike, lockout or unable to work due to illness or accident, for as long as these conditions exist.
- 7.4 If a former member applies for reinstatement, and it is alleged by any member that the former member applying for reinstatement was guilty of any offence or offences against

the Constitution or Bylaws while a former member, the allegation shall be submitted in writing and the procedure established by Article 16 of these Bylaws shall be followed prior to any vote on the member's application for reinstatement.

ARTICLE 8: OFFICERS

8.1 The Executive Committee:

- a. The Officers of this Union shall consist of the:
 - i. President;
 - ii. Vice-President;
 - iii. Financial Secretary-Treasurer;
 - iv. Recording Secretary; and
- b. The Officers referred to in Article 8.1 (a), along with one member elected from each member facility for a term of two (2) years, shall constitute the Executive Committee.
- c. The Executive Committee shall be the governing body of the Union, subject to the provisions of the Constitution and Bylaws.
- d. The Executive Committee shall have the authority to:
 - i. lease, purchase or otherwise lawfully acquire for and on behalf of the Union real estate or other property rights and privileges of the Union, and to do every other act or thing necessary to effect the same; and
 - ii. sell or dispose of any real estate, property rights or privileges belonging to the Union, subject to approval at a membership meeting.
- e. Specific authorization at a regular or special membership meeting shall be required for expenditures made pursuant to Article 8(1)(d) except for routine expenditures not of a substantial nature.
- f. The Executive Committee shall have the authority to do all acts not expressly authorized herein which are necessary or proper in order to acquire, dispose of, hold and protect the real estate or property rights and privileges of the Union and for the benefit of the Union and its members.
- g. Executive Committee meetings shall be confidential and members of the Committee shall not record or disclose the contents of such meetings without the approval of the Executive Committee.

8.2 Trustees:

- a. Three (3) trustees shall be elected by the membership in accordance with the election procedure set out in Article 11.
- b. Trustees shall be elected for a three (3) year term, with overlapping terms of office to ensure continuity, whenever possible.

- c. Trustees shall rotate their terms of office.

ARTICLE 9: RIGHTS AND DUTIES OF THE OFFICERS AND TRUSTEES

9.1 President:

- a. The President shall be the Chief Officer of the Union.
- b. The President shall be a salaried representative of the Union.
- c. The President's salary and fringe benefits shall be set by the Union.
- d. The President shall preside at all meetings of the Union and the Executive Committee.
- e. The President shall have the authority to interpret the Constitution and Bylaws.
- f. The President's interpretation shall be conclusive and in full force and effect unless reversed or changed by the Executive Committee.
- g. The President shall ensure that the other Officers of the Union perform their duties strictly in accordance with the Constitution and Bylaws.
- h. The President shall, together with the Recording Secretary, sign all orders on the Secretary-Treasurer for the disbursement of the Union's funds;
- i. The President shall, together with the Secretary-Treasurer, sign all official documents and all cheques drawn on the Union's account;
- j. The President shall, together with the Secretary-Treasurer, sign the authorization to pay form known as the "Order" in all cases where disbursements are to be made.
- k. The President shall be entitled to correspond on behalf of the Union.
- l. The President shall have the right to attend all meetings of all committees in the Union.
- m. The President shall be entitled to vote on all matters before the Union, including the election of Officers. In the event of an equal number of votes at any meeting, the President shall be entitled to cast a second or deciding vote.
- n. The President shall, with the approval of the Executive Committee, determine the duties of the Vice-President.
- o. The President or the Secretary-Treasurer or both of them shall deposit all monies received by the Union in a bank or credit union with chequing facilities, as the Executive Committee may direct, in the name of the Union.
- p. The President or the Secretary-Treasurer or both of them shall pay all bills authorized by the Union for payment. All normal operation and administration expenses of the Union shall be paid without the need for authorization from a regular membership meeting.

- q. The President shall represent the Union as a member of the ILWU Canada Executive Board.
- r. The President shall represent the Union as a member of the ILWU Canada Political Action Committee.

9.2 Vice-President:

- a. The Vice-President of the Union shall assist the President in the discharge of their duties.
- b. In the President's absence or unavailability, the Vice-President shall:
 - i. preside over meetings of the Union and the Executive Committee, unless the President directs otherwise;
 - ii. be a signing officer of the Union; and
 - iii. discharge any other duties the President may delegate.
- c. The Vice-President shall be responsible for ensuring that:
 - i. the *Canada Occupational Health and Safety Regulations* are adhered to in the operation of each employer with whom the Union has a collective bargaining relationship; and
 - ii. employers immediately correct any unsafe or unhealthy working conditions.
- d. The Vice-President shall act as a liaison with Human Resources and Social Development Canada to ensure continuation of and compliance with health and safety regulations and practices.

9.3 Secretary-Treasurer:

- a. The Secretary-Treasurer shall keep an accurate record of the Union's membership, including the original application for membership cards, which they shall keep on file.
- b. The Secretary-Treasurer shall keep a continuous record of the dues payments of all members and of any other payments made to the Union.
- c. The Secretary-Treasurer shall receive and give receipts for all monies received by the Union.
- d. The Secretary-Treasurer shall remit per capita payments to the International Longshore and Warehouse Union Canada ("ILWU Canada"), and the British Columbia Federation of Labour. These payments shall be made monthly through the ILWU Canada.
- e. The Secretary-Treasurer shall be responsible for forwarding copies of the Local's membership numbers to ILWU Canada when required.

- f. The Secretary-Treasurer shall remit per capita payments to the local Labour Council. These payments shall be made directly through the Union.
 - g. The Secretary-Treasurer shall submit a monthly financial report to the Union.
 - h. The Secretary-Treasurer shall submit to the Trustees all books and vouchers whenever they're required to do so by the Trustees or by the Union.
 - i. The Secretary-Treasurer shall furnish to the Trustees:
 - i. duplicates of all receipts issued to members of the Union for the period under audit; and
 - ii. receipts and cancelled cheques covering expenditures during the same period.
- 9.4 Recording Secretary:
- a. The Recording Secretary shall keep a correct, full and impartial account of the proceedings of each Union meeting in a bound minute book.
- 9.5 Business Manager:
- a. The Union has the authority to employ a salaried representative whenever it may find this necessary.
 - b. The salaried representative shall be called the Business Manager.
 - c. The Business Manager's salary and fringe benefits shall be set by the Union.
 - d. The Business Manager's duties shall be defined by the Union in a special agreement.
 - e. In addition to those duties defined for the Business Manager in a special agreement, the Business Manager shall make available and give a written and verbal report monthly to the President and Executive Committee
- 9.6 Trustees:
- a. The Trustees shall exercise general supervision over the property of the Union, subject to such instructions as they may receive from the Union.
 - b. The Trustees shall audit the financial records of the Union for the period ending on December 31st of each calendar year. The audits shall be conducted in February.
 - c. The Trustees shall make a financial report to the Union at the March membership meeting following the conduct of such audits.
- 9.7 Sergeant-At-Arms
- a. The Sergeant-at-Arms shall:

- i. receive the name of each member who attends a meeting and keep a record of attendance;
- ii. conduct candidates for membership through the initiation ceremony; and
- iii. perform such other duties as the Union may direct.

9.8 Signatories:

- a. All cheques issued against the Union's funds shall be signed by the Secretary-Treasurer and the President.
- b. If the President or the Secretary-Treasurer is absent or unavailable, the Vice-President or the Recording Secretary shall sign the cheques in place of the absent or unavailable signatory.
- c. If both the President and the Secretary-Treasurer are absent or unavailable, the Vice-President and the Recording Secretary shall sign the cheques.

9.9 Each Officer of the Union shall report to the Executive Committee and to the Union meeting attendees such official correspondence as they may receive or issue.

ARTICLE 10: BONDING OF OFFICERS

10.1 All Officers of the Union shall be bonded under an arrangement with the Union and a Canadian bonding company. The bond shall be in such amount as the Executive Committee may direct to provide security for the funds and property of the Union and for the faithful performance of their duties.

10.2 The premium or premiums for such bond shall be paid by the Union.

ARTICLE 11: PROCEDURE FOR ELECTION OF OFFICERS AND EXECUTIVE COMMITTEE MEMBERS

11.1 General Requirements:

- a. Members who are nominated for an Officer or Executive committee position must:
 - i. be members in good standing with the Union for a period of two (2) years; and
 - ii. have attended fifty (50) percent of membership meetings held in the year preceding their nomination, whether or not there has been a quorum for such meetings, unless they have been excused from such attendance by the President.
- b. Officers and Executive Committee members shall be elected every two (2) years, with overlapping terms of office to ensure continuity, whenever possible.

11.2 Nomination Procedure:

- a. Candidates for Officer positions shall be nominated by members in an open meeting. Nominations for Officer positions shall take place at the regular membership meeting held in September.
- b. Candidates who are nominated for Officer positions must either be present at the meeting and indicate their willingness to stand for election or, if absent, must indicate in writing their willingness to stand for election.
- c. Candidates may withdraw their nomination in writing at any time within seven (7) days following that nomination. After seven (7) days, a candidate may withdraw their nomination only with the approval of the Executive Committee.
- d. Campaigning is not permitted at any Union meetings. However, during the nomination meeting, a candidate or person nominating the candidate is entitled to make a speech to the membership. Such speech is not to exceed five (5) minutes in length.

11.3 Election Procedure:

- a. Elections for Officers shall take place at stop work meetings held in October.
- b. The officer responsible for the election procedure (the "Election Officer") must:
 - i. conduct the election of the Officers in accordance with the Constitution, Bylaws and Bourinot's Rules of Order;
 - ii. make all arrangements for the election, including arrangements for nominations and for polling at the stop work meeting held in October;
 - iii. post notices, as soon as practicable, in the worksites regarding the place, date and time of the stop work meeting where the election will take place; and
 - iv. adopt measures to ensure that the ballot box is secure from tampering, that appropriate records are maintained and that the voting process is free from irregularities.
- c. The Election Officer may appoint returning officers to assist in the conduct of the elections and the counting of ballots.
- d. The President is the Election Officer, except where the President is a candidate. If the President is a candidate, then the Secretary-Treasurer is the Election Officer for the election of that office alone.
- e. If neither the President nor the Secretary-Treasurer is available to oversee the election of Officers, the Executive Committee shall appoint one of its non-candidate members to be the Election Officer for overseeing the election.
- f. Election shall be made by secret ballot. However, if only one candidate is nominated for a position, the Election Officer shall declare that candidate elected by acclamation.

- g. Members working days, afternoon and graveyard shifts must all be provided with a reasonable opportunity to vote.
 - h. Each member voting at the work stop membership meeting shall be provided with a ballot. After marking the ballot, the member shall place it in the ballot box.
 - i. Ballots for candidates cast in Prince Rupert shall be placed in a sealed container. The President or designate shall carry the container from Prince Rupert to Vancouver. The container shall be opened at the Vancouver meeting.
 - j. Every candidate may appoint one scrutineer to observe the counting of the ballots.
 - k. The candidate receiving the most votes shall be declared elected to the position for which they were nominated.
- 11.4 Swearing In:
- a. The swearing in of Officers shall take place at the regular membership meeting held in November.
 - b. Officers of the Union shall be installed by a Past President of the Union or by a member of the Union chosen for the purpose. Each Officer, before assuming their duties, shall be required to take the following obligation:

“I, (name), in accepting election to this office; solemnly promise and declare; that I will support and uphold the Constitution and Bylaws of the Grain Workers Union, Local 333 ILWU; as well as all principles, orders, regulations and rules of this Union; that I will faithfully discharge the duties of my office; that I will attend all meetings of the Union whenever possible; that at the expiration of my term of office I will surrender to my elected and qualified successor in office all property rights and other matters belonging to this Union. On my word of honour, I promise to discharge faithfully these several obligations.”
- 11.5 Vacancies:
- a. Should any Officer or Executive Committee member fail to attend three (3) consecutive meetings or fifty (50) percent of the total meetings without good and sufficient reason acceptable to the Executive Committee, their office shall be declared vacant and filled.
 - b. A successor shall be appointed to any vacant office by the Executive Committee for the balance of the term of office except as provided as follows.
 - c. If the office of the President is vacated, the Vice-President shall immediately succeed the President for the term of office.
- 11.6 In the event that any of the meetings set out in this Article do not take place, dates set out for such meetings shall be delayed by one (1) month.

ARTICLE 12: MEETINGS

12.1 Membership Meetings:

- a. The regular monthly membership meeting of the Union shall take place on the second Wednesday of every month in Vancouver, unless the Executive Committee sets an alternative day. When an alternative date is set, the membership shall be given as much advance notice as reasonably practicable.
- b. The July, August, and December meetings shall not be held. However, during these months, the Officers of the Union shall have the powers to carry on the regular business of the Union, including the authority to call special meetings, if required.
- c. The Prince Rupert membership meetings to be held at least six (6) times per year, with the annual general meeting in March. September's nomination meeting and October's elections to be automatically scheduled.

12.2 Special Meetings:

- a. Special meetings may be called by the Officers or the Executive Committee of the Union upon their own motion, or no later than ten (10) days after having received a written request for such meeting by ten (10) percent of the Union's members in good standing.
- b. Notice of a special meeting shall be conveyed to the members by posting notice of that meeting at least five (5) days prior to the meeting. In unusual circumstances, the Executive Committee may reduce the five (5) day period.
- c. Notice of a special meeting shall state the nature of the business to be transacted at the meeting and no business other than that specified in the notice shall be transacted.

12.3 Annual General Meetings:

- a. The Union shall have an annual general meeting at which the annual reports of the trustees, Officers and committees shall be made.
- b. The Union's annual general meeting shall be held in March of each year.
- c. The reports to be made at the annual general meeting shall include the audited statements of receipts and disbursements for the financial year immediately preceding the annual general meeting, together with the Trustees' report thereon.
- d. The audited statements shall be posted at the place of the annual general meeting during that meeting.

12.4 Plant Meetings and Elections:

- a. Plant Meetings shall be held annually in February.
- b. Plant Meetings are open to the members employed at the particular Plant.

- c. The Chief Shop Steward in each elevator location shall recommend to the Executive Committee for approval, a date and time for plant meetings. These meetings will be for Plant elections and any other business deemed necessary.
 - d. The President or a designate appointed by the President shall be present at all Plant Meetings.
 - e. The members present at annual Plant Meetings shall place in nomination the name of those members who are prepared to contest the positions for which the election has been called. Nominees must either be present and indicate their willingness to stand for election or, if absent, indicate in writing their willingness to stand for election.
 - f. The members shall elect the following representatives:
 - i. Chief Shop Steward;
 - ii. Shop Stewards;
 - iii. Executive Committee member
 - iv. Policy Committee members;
 - v. Joint Occupational Health and Safety Committee Co-Chair.
 - vi. Joint Occupational Health and Safety Committee members.
 - vii. Alternate Chief Shop Steward
 - g. The President shall appoint scrutineers to distribute the ballots, collect ballots, count the votes and report the result to the Chair of the meeting who will announce the results of the ballots and the successful candidates.
- 12.5 Absence from Meetings:
- a. A member may be excused from attending a meeting only if they are:
 - i. ill;
 - ii. on bereavement leave;
 - iii. working a shift at the scheduled time of a Union meeting; or
 - iv. in the opinion of the President, has other good and sufficient reason for failing to attend.
 - b. A member who wishes to be excused from a meeting must submit their request, together with an explanation for their request, to the President.
 - c. A member so excused from attendance at a meeting will be deemed to have been in attendance at that meeting for the purposes of determining eligibility for running for an Officer position.

ARTICLE 13: QUORUM

- 13.1 A quorum of the regular membership meeting in Vancouver shall consist of five percent (5%) of the members of the Union at the Port of Vancouver, excluding the Officers.
- 13.2 A quorum of a regular membership meeting in Prince Rupert shall consist of five percent (5%) of the members of the Union at the Port of Prince Rupert, excluding the Officers.
- 13.3 A quorum of the Executive Committee shall consist of a simple majority of its members.
- 13.4 Except as otherwise provided in the Constitution and Bylaws, questions coming before either the Union or the Executive Committee shall be decided by a majority of its members present.

ARTICLE 14: COMMITTEES AND FUNCTIONS

- 14.1 The Union shall have the following standing committees:
 - a. Bargaining Committee;
 - b. Education Committee;
 - c. Health and Safety Committee;
 - d. Policy Committee;
 - e. Shop Steward Committee;
 - f. Duty to Accommodate Committee;
 - g. Women's Committee.
 - h. Young Workers Committee
 - i. Political Action Committee
- 14.2 The Union may appoint or elect such other committees as it deems necessary, but no committee shall assume any obligations or responsibilities on behalf of the Union except those specifically established by the Executive Committee.
- 14.3 In order for a member to be eligible to sit on a Committee, they must be a member of the Union in good standing during the preceding two (2) years.
- 14.4 Bargaining Committee is responsible for bargaining all Collective Agreements in the industry.
 - a. The President or his designate shall be the spokesperson and chief negotiator for the Union.
 - b. The Vancouver Terminal Elevator Association Collective Agreement shall be the bargaining Committee which shall consist of the four (4) titled officers.

- c. The Prince Rupert Grain Collective Agreement shall be the President, one (1) other titled officer and two (2) elected Policy Committee members.
- d. The Columbia Containers Collective Agreement shall be the President, one (1) other titled officer and up to two (2) elected Policy Committee members from the terminal.
- e. Any subsequent Collective Agreement; the Bargaining Committees final configuration will be determined by the Executive Committee of the Union.

14.5 Education Committee:

- a. The Education Committee shall develop an educational program for the Union.
- b. The Education Committee shall also encourage Union members to participate in educational activities of the ILWU Canada and the BC Federation of Labour

14.6 Health and Safety Committee:

- a. Members of the Health and Safety Committee shall be elected for a two (2) year term, with overlapping terms of office to ensure continuity.
- b. The Health and Safety Committee shall be responsible for:
 - i. ensuring that all current Health and Safety regulations are adhered to;
 - ii. ensuring that the employers immediately correct any unsafe or unhealthy conditions; and
 - iii. making detailed reports of the Committee's activities at the regular membership meeting.

14.7 The Policy Committee:

- a. The Policy Committee shall be comprised of:
 - i. The Executive committee
 - ii. two (2) members elected from each facility. These members will serve on the Policy Committee for a term of two (2) years, with overlapping terms of office to ensure continuity wherever possible.
- b. The Policy Committee shall, by majority vote, decide on recommendations to the membership on bargaining proposals, on any collective bargaining memorandums of understanding on any constitution or bylaw changes brought forward by the membership or Union executive.
- c. The Policy Committee shall be charged with the responsibility of maintaining the confidentiality of the bargaining table discussions.

14.8 Shop Steward Committee:

- a. Chief Shop Steward:
 - i. A Chief Shop Steward shall be elected at each facility by and from the membership at that facility. A Chief Shop Steward shall be elected to a two (2) year term.
 - ii. To be eligible for the Chief Shop Steward nomination, the nominee must have been a member of the Union in good standing for the previous two (2) years.
 - iii. Acting under the supervision of the President or their designate, the Chief Shop Steward shall promptly investigate all employee grievances arising at their facility.
 - iv. Acting under the supervision of the President or their designate, the Chief Shop Steward shall also seek to enforce the provisions of the Collective Agreement.
 - v. The Chief Shop Steward shall refer to the President or their designate any grievance complaint that concerns their facility or any grievance that affects more than one facility.
 - vi. The Chief Shop Steward shall also seek advice from the President or their designate for the settlement of grievances and shall report the status of all grievances without delay.
 - vii. The Chief Shop Steward or Executive Committee members shall post authorized Union notices at their facilities as required.
- b. Shop Stewards:
 - i. Shop Stewards shall be elected at each facility by and from the membership at that facility.
 - ii. Shop Stewards shall be elected to a two (2) year term with overlapping terms of office to ensure continuity, whenever possible.
 - iii. To be eligible for a Shop Steward nomination, nominees must have been a member in good standing for the previous two (2) years.

14.9 Remuneration:

- a. Members on Union business who suffer a loss of time from work shall be compensated for the time lost at their regular rate of pay.
- b. Union delegates who are performing Union business in your own town area (the Lower Mainland or Prince Rupert) shall be paid their wages plus twenty-five dollars (\$25.00) per day in expense money.

- c. Union delegates attending and performing Union business outside of your own town area (the lower mainland or Prince Rupert) shall be paid their wage plus forty dollars (\$40.00) per day.
- d. At the discretion of the Secretary-Treasurer all receipts for expenses above the daily per diem shall be paid

ARTICLE 15: WITHDRAWAL CARD

- 15.1 The Union shall grant a withdrawal card forthwith upon payment by the member of a five dollar (\$5.00) fee to the Union to members who:
- a. leave their place of employment to take up an occupation outside the jurisdiction of the Union;
 - b. reach retirement age; or
 - c. become incapacitated.
- 15.2 The withdrawal card shall:
- a. be evidence of the fact that the holder was in good standing in the Union when they left their employment within the Union's jurisdiction; and
 - b. entitle the member to rejoin the Union without the payment of a new initiation fee, should they seek work within its jurisdiction within one (1) year of their initial departure.
- 15.3 A member in holding a withdrawal card shall be exempt from paying Union dues.
- 15.4 The withdrawal card shall be valid for a one (1) year period.
- 15.5 The withdrawal card does not provide any form of guarantee of reemployment.

ARTICLE 16: DISCIPLINE, CHARGES AND TRIALS

- 16.1 Each member has the duty to abide by the Union's Constitution and Bylaws, to uphold the pledge of obligation to the Union, and in the case of Officers and Executive Committee members, to uphold the oath of office.
- 16.2 The democratic principles of unionism to which the Union subscribes require that every member shall be entitled to express their opinions freely within the processes established by the Constitution and Bylaws. No member shall be disciplined except for breach of duty under the Constitution and Bylaws properly found pursuant to the charge and trial procedures of this Article.
- 16.3 Offences:

Without limiting the generality of the foregoing, the following shall constitute offences for which a member may be charged and a penalty or penalties imposed:

- a. jeopardizing or acting in a manner that is detrimental to the welfare of the Union;
- b. violating any provision of the Constitution or Bylaws, or other Union policies;
- c. obtaining membership through fraudulent means or by misrepresentation, or assisting another person to do so;
- d. without proper authorization, communicating or otherwise revealing information about the business, membership, proceedings or other affairs of the Union to persons not entitled to such knowledge;
- e. bringing charges under this Article without reasonable grounds for believing such charges to be true;
- f. refusing or failing to appear in response to a Trial Committee order to attend a Trial established under this Article;
- g. crossing a legal picket line of a union when crossing under no legal duty to do so.
- h. working during a work stoppage, when under no legal duty to do so;
- i. failing to pay, as they become due, dues, fees, assessments or fines levied pursuant to the Constitution and Bylaws;
- j. committing a fraud in a Union election or otherwise interfering or attempting to interfere with the democratic rights of members guaranteed by the Constitution and Bylaws;
- k. instituting or advocating that a member commence a proceeding in a Court or Tribunal against the Union, any of its officers or any of its members in respect of any matter concerning the affairs of the Union, without first exhausting all remedies provided for in the Constitution and Bylaws;
- l. doing anything calculated to bring about a member's withdrawal from the Union;
- m. publishing or circulating, either verbally or otherwise, false reports or deliberate misrepresentations concerning the Union or any member in respect to any matter connected with the affairs of the Union;
- n. working in the interest of any organization competing with the Union in a manner that is detrimental to the Union;
- o. fraudulently receiving or misappropriating any property of the Union;
- p. obstructing the democratic process of a Union meeting or failing to abide by the Rules of Order when directed to do so by the President;
- q. attempting, through coercion or intimidation of any kind, to cause a member to refrain from carrying out their obligations or from exercising their rights under the Constitution and Bylaws;

- r. using, without proper authority, the name of the Union for soliciting funds or advertising;
- s. wrongfully interfering with any officer or accredited representative of the Union in the discharge of their duties under the Constitution and Bylaws;
- t. violating the Pledge or Oath of Office;
- u. without proper authorization:
 - i. removing or retaining, any monies, books, papers or any other property belonging to the Union; or
 - ii. destroying, mutilating or otherwise erasing any books, records, bills, receipts, vouchers or other property of the Union;
- v. without reasonable justification, failing to perform picketing or other duties reasonably required of members during lawful work stoppages by members in the bargaining unit; and
- w. working in the interests of, or accepting membership in, any other organization seeking to bargain for persons eligible for membership in this Union.

16.4 Laying Charges:

- a. A member in good standing may prefer charges against another member (the "Accused Member") alleging a breach of duty under the Constitution.
- b. A member preferring charges (the "Accuser") pursuant to Article 16.3 shall, within thirty (30) days of becoming aware of the circumstances from which the charge(s) stem, file the charges in writing with the President of the Union.
- c. The President of the Union shall deliver a copy of the charges to the Accused Member, either personally or by registered mail, together with notice as to the date of the meeting at which the charges will be presented to the membership.
- d. The copy of the charges and the notice as to the date of the meeting shall be served on the Accused Member no less than seven (7) calendar days before the date of the trial.

16.5 Considering the Charge and Striking the Trial Committee:

- a. At the next regular meeting after the charge(s) have been delivered to the Accused Member, the Union shall consider the charges and decide by majority vote whether they are worthy of trial.
- b. If the charges are voted worthy of a trial, a Trial Committee shall be struck consisting of three (3) members of the Executive Committee selected by the President or three (3) members selected from the general membership who are present at the general membership meeting. The decision as to whether the Trial Committee shall consist of three members of the Executive Board or three members elected from the membership shall be made by the members present at the membership meeting.

- c. No member or Officer shall serve on the Trial Committee in any case where:
 - i. They are not a member in good standing;
 - ii. They are or may be a witness;
 - iii. They are directly involved in the matter; or
 - iv. there is a substantial likelihood that they are biased against the Accused Member or the Accuser.
- d. If the Accused Member or the Accuser is present at the meeting when the Trial Committee is selected and makes an immediate objection to any member of such Trial Committee, the Trial Committee member shall be disqualified and another immediately chosen. However, neither the Accused Member nor the Accuser may object to more than two (2) persons.

16.6 Trial Committee Hearing:

- a. Not less than seven (7) calendar days before the date of the trial, the Trial Committee shall serve on the Accused Member and the Accuser a copy of the notice stating the time, date and place of the trial. The trial shall be fixed for a date not less than ten (10) days and not more than thirty (30) days from the date of the meeting at which the Trial Committee is selected.
- b. Both the Accused Member and the Accuser have the right to be present in person.
- c. Both the Accused Member and the Accuser have the right to be represented by a member in good standing of their own choosing.
- d. The Accused Member and the Accuser, together with their chosen representatives (if any), have the right to be in attendance throughout the trial.
- e. In all cases, the onus of establishing the guilt of the Accused Member shall be upon the Accuser.
- f. The Trial Committee shall determine its own procedures, subject only to the Constitution, Bylaws and principles of procedural fairness. The Trial Committee shall give both parties a full opportunity to present evidence, to make submissions, and to cross-examine witnesses called by the opposing party.
- g. In its sole discretion, the Trial Committee may grant adjournments of the proceedings upon such conditions as it considers necessary.
- h. If the Accused Member, or his or her representatives (if any), fails to appear before the Trial Committee without reasonable excuse, the Trial Committee may proceed to hear the charges and to make a determination in their absence.
- i. If the Accuser, or their representative (if any), fails to appear before the Trial Committee without reasonable excuse, the Trial Committee shall dismiss the charges.

- j. Upon the request of either party, or upon its own motion, the Trial Committee may order members to appear as witnesses. A member who refuses or fails to appear in response to the order shall be subject to disciplinary action as determined by the Executive Committee, unless the member has a reasonable excuse.
- k. After its hearing is closed, the Trial Committee shall report its decision at the next regular membership meeting following the trial.
- l. If the Trial Committee determines that the Accused Member is innocent, this decision shall be recorded in the minutes of the meeting at which the Trial Committee's decision is reported. No appeal may be taken by the Accused Member in light of a determination of innocence.
- m. If the Trial Committee determines that the Accused Member is guilty, then the Trial Committee's decision, including the punishment imposed, shall be recorded in the minutes of the meeting at which the Trial Committee's decision is reported.
- n. A majority vote of the Trial Committee is required to find the Accused Member guilty.
- o. Members who have been found guilty may be punished by reprimand, fine, suspension from particular rights or privileges of membership, suspension from membership, or expulsion from membership. Punishments shall be tailored to suit the severity of the offence.
- p. When the penalty is a fine, the fine shall not exceed the equivalent of six (6) days' pay for each offence. Any fines levied must be paid within thirty (30) days from the date of notification, regardless of any appeal that is launched.
- q. When the Trial Committee's decision is reported at the meeting, no member shall be allowed to speak, except first the Accuser and second the Accused Member, or a member in good standing speaking on behalf of either of them. When both sides have spoken, there shall be no debate and the presiding officer shall state, "Shall the decision of the Trial Committee be sustained?". If the decision is sustained, the decision shall be final, unless reversed on appeal as hereinafter provided.

16.7 Appeals:

- a. If the charges under this Article are sustained, the Accused Member has the right to file an appeal to the Executive Committee within thirty (30) days of receipt of the Trial Committee decision.
- b. If an appeal is filed under this Section, the President shall select a panel of three (3) members of the Executive Committee, excluding the members of the Trial Committee and the President, to act as the Appeal Panel.
- c. The Appeal Panel shall hear the appeal and may uphold or set aside the Trial Committee's decision, remit the matter back to the Trial Committee, or substitute its own decision for the Trial Committee's decision.

- d. In proceeding under this Section, the Appeal Panel may, in its sole discretion, hear new evidence and establish whatever procedures it considers necessary for the fair and effective determination of the appeal.
- e. If appeal to the Appeal Panel is dismissed, the affected person has the right to appeal to the Executive Board of ILWU Canada in accordance with the ILWU Canada Constitution.

16.8 Miscellaneous:

- a. The procedures in this Article are intended to permit the effective and fair disposition of charges based on the substance of the matters in issue.
- b. No disciplinary proceeding shall be rendered ineffective merely because of a failure to adhere precisely to the designated procedures, provided principles of procedural fairness are adhered to.
- c. If summoned to testify at any trial or appeal held in accordance with this Article, a member must attend and must answer all questions put to them to the best of their ability.
- d. Notwithstanding the provisions of this Article, the Executive Committee may, pending the decision of a Trial Committee, suspend from office any Officer, Executive Committee Member, Standing Committee Member, Chief Shop Steward or Shop Steward who, in the opinion of the Executive Committee, has committed an action that brings disrepute upon or is detrimental to the Union or its members. If a suspension is so levied, the matter shall be referred for trial and be decided by a Trial Committee within ninety (90) days of the start of the suspension.
- e. No member shall commence a Court or Tribunal proceeding against the Union, its Officers or its members in respect of any matter concerning the Union's affairs, without first exhausting all the remedies provided by this Constitution.

ARTICLE 17: FUNDS AND PROPERTY

- 17.1 All funds and property whatsoever of the Union shall be administered by the Trustees and Secretary-Treasurer as provided for in these Bylaws.

ARTICLE 18: REVENUES AND EXPENDITURES

- 18.1 The revenue of the Union shall be derived from initiation fees, monthly dues, fines, assessments, and such other means as are not inconsistent with the Constitution and Bylaws.
- 18.2 Subject to the approval of the Executive Committee, the President and Secretary Treasurer may from time to time invest such funds of the Union, as may not immediately be required, in such investments as are authorized by law for trust funds. Such funds shall be invested in the name of the Union in trust for the Union.

- 18.3 The funds of the Union shall be used for the payment of necessary expenses incurred by virtue of the Union's existence and activities. Without restricting the generality of the foregoing and subject to the Constitution and Bylaws, funds of the Union may be disbursed in the case of strikes or lockouts of Union members, education, and other activities consistent with the Constitution and Bylaws.
- 18.4 The Union has the authority to borrow money for the purposes and in the amounts authorized from time to time by resolution adopted by the membership at a regular or special meeting.
- 18.5 Defence Fund:
- a. The Executive Committee shall establish and maintain a Defence Fund adequate to meet the needs of the Union.
 - b. The Defence Fund shall be:
 - i. funded in accordance with the formula set out in Article 5 of these Bylaws; and
 - ii. administered by the Executive Committee.
 - c. In its discretion, the Executive Committee may use monies from the Defence Fund to attain collective bargaining objectives, including the payment of all expenses, legal or otherwise, incurred by strikes, lockouts or labour disputes involving the Union.
 - d. The Executive Committee shall determine a member's eligibility for strike or lockout pay, including the formula for payment and the time of payment.

ARTICLE 19: PENSION

- 19.1 The Executive Committee shall appoint three (3) Trustees to the Port of Vancouver Terminal Elevator Industry Pension Plan. One of the Trustees may be a retired member of the Union. The remaining two (2) trustees must be current Union members in good standing for the previous two (2) years.
- 19.2 The membership of the Union shall be obligated to improve the pension plan.

ARTICLE 20: GENERAL PROVISIONS

- 20.1 The Union is a fully autonomous and independent Union local of ILWU Canada.
- 20.2 If invited by the President or Executive Committee of the Union, the officers of the ILWU Canada shall have the right to attend the Union's meetings.

ARTICLE 21: AMENDMENTS

- 21.1 The Constitution and Bylaws, or other Union policies previously approved by the General Membership, may only be amended by a two-thirds (2/3) majority vote of the membership, present at a regular membership meeting.
- 21.2 Amendments to the Constitution, Bylaws or other Union policies previously approved by the general membership must first be submitted in a written Notice of Motion to the Executive Committee for its consideration and review. The Executive Committee shall report its conclusions to the membership at the next regular monthly meeting. In its discretion, the Executive Committee may then post the Notice of Motion and its recommendations for thirty (30) days, following which the Motion will be considered at the next regular monthly meeting.

ARTICLE 22: CONSTITUTION AND BYLAWS TO BE FURNISHED TO MEMBERS

- 22.1 A copy of the Union's Constitution and Bylaws and any amendments thereto shall be provided to each member of the Union upon request.

ARTICLE 23: RULES OF ORDER OF BUSINESS

- 23.1 In all matters not regulated by the Bylaws and Rules of Order, Bourinot's Rules of Order shall govern.

RULES OF ORDER OF BUSINESS

SECTION 1: RULES OF ORDER OF BUSINESS

1. The President, or in their absence or at their request, the Vice-President, shall take the chair at the time specified, at all regular and special meetings. In the absence of both the President and the Vice-President, the Executive Committee shall choose a chairperson.
2. No question of a sectarian character shall be discussed at meetings.
3. When a member wishes to speak, they shall require the recognition of the chairperson and shall confine their remarks to the question before the meeting. The chairperson may request members to announce their names before speaking.
4. A member shall not speak more than once upon a subject until all who wish to speak have an opportunity to do so.
5. A member shall not speak more than twice upon any subject unless approval is obtained from the Chairperson.
6. A member shall not interrupt another except if it be to call a point of order.
7. If a member be called to order they shall, at the request of the chairperson, take their seat until the question of order has been decided.
8. Should a member persist in an unparliamentary conduct, the chairperson may be compelled to name them and submit their conduct to the judgment of the meeting. In such case the member whose conduct is in question should explain their conduct and the meeting shall then determine what course to pursue in the matter.
9. When the question is put, the chairperson, after announcing the question, shall ask: "Are you ready for the Question?". If no member wishes to speak the question shall be put.
10. Questions may be decided by a show of hands or standing vote.
11. Two (2) members may appeal the decision of the chair. The chairperson shall give an explanation for their decision but the question shall not be debatable. The chairperson shall then put the question: "All members who agree with the decision of the chair so stand".
12. The chairperson shall have the same rights as other members to vote on any question. In the case of a tie vote, the chairperson shall cast a deciding vote.
13. When the previous question is moved, no discussion or amendment of either motion is permitted. If the majority vote that the "Question now be put," the original motion has to be put without debate. If the motion to put the question is defeated, discussion will continue on the original motion.
14. A motion may be reconsidered or rescinded, provided the mover of the motion voted with the majority, and the Notice of Motion is given and dealt with pursuant to the procedure set out in Article 6.2.(b).

15. In all matters not regulated by these Rules of Order, Bourinot's Rules of Order shall provide guidance to the Chairperson.
16. No proceeding shall be rendered ineffective or declared invalid merely because of a failure to adhere to the procedures set out in this section.

SECTION II: ORDER OF BUSINESS

1. Opening.
2. Roll call of Officers by Recording Secretary.
3. Application for membership.
4. Voting on applicants.
5. Initiation of applicants.
6. Nominations, elections and installation of Officers.
7. Reading of Minutes of previous meeting.
8. Business arising out of Minutes.
9. Financials
10. Correspondence
11. Report of Officers, delegates and or Committees.
12. Unfinished business.
13. New business.
14. Good and welfare of the Union.
15. Adjournment