



**Unifor Canada Local 35**

**Amalgamated Technical Office Professional Workers**

**BY-LAWS**

**~~Date finalized Dec 12, 2017~~**

## **Article 1 - Name**

This organization shall be known as Amalgamated Local 35 Unifor Canada (Unifor-Canada)

## **Article 2 - Constitution and By-laws**

The constitution of this local union shall be the constitution of the National Union Unifor and these by-laws shall be in all respects subordinate to said constitution and all applications and interpretations thereof.

## **Article 3 – Objectives**

The objectives of this organization shall be to improve the working conditions to establish wages in accordance with the existing economic conditions, to protect our rights to bargain collectively, with our employers at all times and promote a better way of life.

## **Article 4 - Fiscal**

The fiscal year of this union shall begin January 1 and end on December 31.

## Article 5 - Condition of Membership

Eligibility and condition of membership in Local 35 shall be the same as prescribed in Article 5 of the constitution of the National Union Unifor-Canada.

- Section 1:** The local union shall be composed of workers eligible for membership in Unifor, over whom the local Union has jurisdiction.
- Section 2:** Each member in good standing of this Local Union has the right to nominate and vote, express opinions on all subjects before the Local Union, to attend all membership meetings and express views, arguments and opinions on all matters and business, including candidates for office, properly before the meeting; to meet and assemble freely with other members and generally, to participate in the activities of the Local Union in a responsible manner consistent with the good conscience in order to present and discuss factually and honestly the issues upon which the membership must base its decisions. These rights shall at all times be subject to the rules of procedure governing meetings and uniform rules and regulations contained in the Constitution, By-laws, and other official rules of the Local Union.
- Section 3:** A member in exercising the foregoing rights and privileges shall not take any irresponsible action which would tend to jeopardize or destroy, or be detrimental to, either the Local or National Union organizations, or their free democratic heritage, or which would interfere with the performance by this Local Union or the National Union of its legal or contractual obligations as a collective bargaining agent, or interfere with the legal or contractual obligations of the Local Union as an affiliate of the National Union.
- Section 4:** Violation, or abuse of these rights and privileges of membership, or engaging in conduct prohibited by this section, may be grounds for the commencement of a charge. The membership shall strive to obtain the objectives set forth in the Constitution and additional objectives as established as the policy of the National Union; to maintain free relations with other organizations; to do all in its power to strengthen and promote the labour movement; to co-operate with the National Board Members, the National Representatives and help promote organizational activities.
- Section 5:** In addition, the Local Union may open its membership by amending its By-laws to establish a Community Chapter.

## Article 6 - Powers of Administration

- Section 1:** The highest authority of the Local Union shall be vested in the General Membership meeting.
- Section 2:** Between the meetings of the General Membership, the highest authority shall be the Executive Board for the Local Union.
- Section 3:** Between the meetings of the Executive Board the administrative authority of the Local Union shall be vested in the President of the Local Union subject to the approval of the Executive Board.
- Section 4:** General membership meetings and special meetings of the Executive Board members may be called by a petition of one third of the members of the Executive Board being presented to the President whenever deemed necessary.

## Article 7 – Local Union Officers

- Section 1:** The Local Union shall have the following Executive Officers: President, Vice-President, Secretary Treasurer, a Retired Workers Representative (if the Local has a Retired Workers Chapter) and three Trustees. The chairman of each unit bargaining committee will be a member at large of the Local Union Executive Board.
- All Executive officers must be elected by a majority of the vote. The Trustee receiving the highest number of votes will assume the position of head trustee. Should all trustees be elected by acclamation, the designation of head trustee shall remain the same. Should the head trustee resign during his/her term, the trustee with the next highest number of votes will assume the position of head trustee for the remainder of the term. If two or more trustees resign, an election will be called to replace them.
- Section 2:** The election and installation of the Local Union officers shall take place in May or June and the term of office for all Executive Officers of the Local Union shall be three years as provided in Article 15 Section B Paragraph 4 of the National Constitution Unifor-Canada.
- Section 3:** The President and Financial Secretary of the Local Union shall be bonded by such methods and agency as the National Executive Board may decide. This shall be mandatory as outlined in Article 15, Section C of the National Constitution Unifor-Canada.
- Section 4:** No member shall be eligible for election as an Executive Officer, appointed position or for nomination, of the Local Union until the person has been a member in continuous good standing in the local ~~for one (1) year immediately prior to nomination~~. A laid off member will be considered in good standing for the month of the layoff, plus six (6) months, after which they must notify the Financial Secretary, and every month thereafter of his/her intent to remain in good standing.

## Article 8 - Nominations, Elections of Officers

### Section 1:

- ~~A. Any member in good standing may nominate any eligible member for office. Nominations shall be held at a General Membership meeting of the local and shall be made from the floor. The membership shall be duly notified at least seven (7) days in advance of the time and place of nominations and notice containing both the time and place of the elections shall be given at least fifteen (15) days in advance of the election, and at least seven (7) days shall elapse between the time of nominations and the date the election shall take place.~~

~~A member in good standing has the right to propose any eligible member for a position in office. These nominations will be conducted during a General Membership meeting of the local, and they must be made verbally during the meeting. The entire membership will be formally informed at least seven (7) days prior to the scheduled nominations, specifying both the time and location. Furthermore, a notice disclosing the time and place of the elections must be provided at least fifteen (15) days before the election date. Additionally, there should be a minimum of seven (7) days between the nomination period and the actual election date.~~

~~Any member in good standing possesses the right to call for a special election by submitting a written request to the Executive Board. This request must outline the reasons for the proposed election and be signed by the member making the request. Upon receipt of such a request, the executive board shall promptly assess its validity and, if deemed appropriate, proceed to schedule, and conduct the special election in accordance with the established election procedures outlined in these bylaws.~~

- B. Nominees shall notify to the Election Committee verbally or in writing of the intentions to stand for election within seventy-two (72) hours of the date of nomination. Failure to notify the Election Committee by the specified date will remove the nominee's name from the election list.
- C. In the absence of the nominee, it shall be the responsibility of the nominator to inform the nominee of the nomination.
- D. No election of so-called sticker of write in candidates shall be considered legal.

Section 2: Every member in good standing, (currently active, or a member who has been laid off for more than seven (7) months and has notified the Financial Secretary of their intention to remain in good standing, no less than one (1) month prior to the date of the election) shall be entitled to vote at all local union election.

Section 3: All vacancies in the Local Union, except the President shall be promptly filled by election. The Executive Board will temporarily appoint a member to fill the vacancy or vacancies until the election takes place.

## Article 9 - Election Committee and Their Duties

- Section 1: Section 1: An Election Committee of three (3) members in good standing, (currently active, or a member who has been laid off for more than seven (7) months and has notified the Financial Secretary of their intention to remain in good standing, no less than one (1) month prior to the call of this meeting) ~~shall be elected by a show of hands at a regular or special membership meeting held at least one (1) month prior to the nominations~~ shall be elected either by a show of hands at a regular or special membership meeting held at least one (1) month prior to the nominations or through an electronic voting process approved by the executive board. Once elected to the election committee no member of that committee can stand for an elected position in the local.
- Section 2: The Election Committee shall be responsible for:
- A. Setting the date and time of the nominations meeting and conducting that meeting.
  - B. To publish all the names of the candidates at least seven (7) days preceding the election, publication to be made on the local union bulletin board.
  - C. ~~Setting up a booth in the union hall or other appropriate locations, see to the printing of the ballots and the conduction of the election in a democratic way.—Set up voting by secret ballot and / or another secure & confidential voting system. (including electronic)~~
  - D. To obtain from the Secretary Treasurer of the Local Union before the election, a list of eligible voters. It shall be the duty of the Secretary Treasurer of the Local Union to turn over such a list to the Election Committee upon request.
  - E. To supervise the voting, count the vote and provide an adequate check to prevent fraud. The Election Committee shall be allowed additional help as required by members not up for any elected position, to assist in the election at the various election places.
  - F. To use only sealed containers as its receptacle for ballots.
  - G. To set the dates and times for and to conduct elections as well as any required run-off elections.
- Section 3: All ballots cast at an election shall remain in the custody of the Election Committee and shall be preserved for one year (1) year after the close of an election. The ballots may be destroyed at the end of that period unless an appeal is pending in which event they must be preserved until the appeal has been decided and the decision is final.
- Section 4: The Election Committee shall be responsible to the local membership and shall not be interfered with by any officer of the Executive Board.
- Section 5: The Election Committee will publish all election results within forty-eight (48) hours after the close of polls, results to be placed on all local union bulletin boards.
- Section 6: In case of an appeal to the election results Article 15 Section B Paragraph S of the National Union Unifor-Canada Constitution will prevail.

## Article 10 - Expenses of Officers

The following officers shall be paid an allowance to offset expenses incurred in the performance of their duties which include such things as lobbying and conferring with Civic Leaders, Members of the Provincial Legislature, Members of Parliament, and others on matters which may affect the local union membership and to meet, confer with and act as an advocate on behalf of membership, with E.I., W.S.I.B., Human Rights Commission, etc.

The President shall be reimbursed for (out of pocket) expenses not to exceed three hundred (\$300.00) dollars per month. The Recording Secretary shall be reimbursed for (out of pocket) expenses not to exceed one hundred and fifty (\$150.00) dollars per month. The Secretary Treasurer shall be reimbursed for (out of pocket) expenses not to exceed three hundred (\$300.00) dollars per month.

## Article 11 - Duties of Local Union Executive Board

- Section 1: The Executive Board shall have the authority to make disbursements of local union funds, but not to exceed twenty-five hundred (\$2500.00) dollars in any single disbursement or transaction. It shall have the power to direct payment of all ordinary bills and expenses of the local union, including expenses of accredited delegates or committees, which shall not exceed the following:
- Section 2: Coach travel allowance or mileage of forty-five (45) cents per kilometer, **or rates used by Unifor National (whichever is higher)** when such is deemed necessary or advantageous to the local union which shall be determined by the local Executive Board. The mileage allowance may be adjusted from time to time by the Executive Board based on a survey of usual and customary rates in the area, subject to approval of the membership.
- Section 3: An 'out of town' overnight expense allowance will be eighty-five (\$85.00) dollars per day plus room rate, **or rates used by Unifor National (whichever is higher)**.
- Section 4: Any member on union business on a full day (beyond noon hour) basis outside the city but not stay overnight will be allowed fifty (\$50.00) dollars, **or rates used by Unifor National (whichever is higher)**, and travel expenses outlined in Section 18, Article 11.
- Section 5: Any member on union business within the municipality of Chatham-Kent will be reimbursed the greater of the sum of their receipts of twenty-five (\$25.00) dollars, **or rates used by Unifor National (whichever is higher)**. Mileage will only be paid if the distance exceeds twenty (20) kilometers from the place of work.
- Section 6: Any loss of salary incurred during normal work week for which any **executive** member has been penalized by his/her employer due to authorized union activity will be reimbursed.
- Section 7: A delegate in attendance at the Unifor Education Centre or a like facility where the Local Union pays for both room and board plus mileage, will be entitled to no more than twenty-five (\$25.00) dollars per day to cover (out of pocket) expenses.
- Section 8: The executive may make donations to the United Way, or other registered charities, not exceed three thousand (\$3,000.00) dollars.

## Article 12 - Initiation Fees and Dues

- Section 1: The initiation and oath of new membership shall be as prescribed in Article 15 Section G Paragraph 3 in the constitution of the National Union Unifor-Canada.
- Section 2: All dues are payable during the current month to the Financial Secretary of the local union. Minimum dues shall be **0.735% - National plus 0.6015% - Local (Total 1.3365%) (or a sum equivalent two (2) hours and twenty (20) minutes straight time pay per month based on a 40 hr work week)**, including cost-of-living allowance and any other amounts normally considered as part of a regular pay, but not including shift premium pursuant to Article 15 Section G of the constitution of the National Union Unifor-Canada.
- Section 3: An initiation fee, no part of which shall be considered as a local union fine shall be twenty (\$20.00) dollars for membership in Local Union of the National Union Unifor-Canada pursuant to Article 15 Section G of the said constitution.
- Section 4: The reimbursement fee established by a Local Union shall not be less than the regular initiation fee charged by the Local Union, plus the dues for each month delinquency in dues up to either the date of his/her automatic suspension or the date of his/her reinstatement, as the Local in its discretion may determine plus the month's dues pursuant to Article 15 Section G of the National Union Unifor-Canada constitution.

## Article 13 - Membership Meetings and Quorums

- Section 1A: **At least 10% of membership or a minimum of 8 (whichever is greater)** ~~A total of twenty-five (25) members present~~ including the Executive Board, at a regular meeting of the general membership of the local Union shall constitute a quorum for the transaction of Union business. All known new business at the time of posting the meeting shall be listed on the agenda. Notice of a regular membership meeting must be posted at least seven (7) days prior to the meeting.
- Section 1B: Anything pertaining to political donations or contributions to a political party or individual will be clearly outlined on the seven (7) day notice of the membership meeting.
- Section 1C: All meetings shall be in person and/or virtual, using available technology.**
- Section 2: A special meeting may be held to discuss the agenda as posted and the quorum for such meeting shall constitute the number of members present. At least forty-eight (48) hours of notice must be given for a special meeting, except in an emergency.
- Section 3: Fifty (50%) percent of the Executive Officers shall be considered a quorum for an executive meeting.
- Section 4: For Unit meetings at least ten (10%) percent of the unit membership **or a minimum of 8 (whichever is greater)** not including the bargaining committee shall constitute a quorum for the transaction of unit business. Notwithstanding the above, a Special Meeting may be called, and a quorum will constitute the members present. Notice of a Special Meeting must be posted at least forty-eight (48) hours prior to the meeting.
- Section 5: Any member who attends a meeting under the influence of alcohol or drugs and/or creates a disturbance or becomes unruly shall lose voice and his/her right to vote at said meeting. Where necessary to maintain order, the member may be evicted from the meeting by order of the Chairperson subject to the challenge of the membership. Flagrant or persistent violation of this section by any member shall be conduct unbecoming a union member.
- Section 6: For clarity and information of the membership, "questions of a parliamentary nature shall be decided by Bourinot's Rules of Order."



## **Article 14 - Order of Business**

The order of business for meetings shall be as follows:

- 1) Call the meeting to order no later than five (5) minutes after the proposed meeting time.
- 2) Read and accept or reject the financial report.
- 3) Hear Chairperson reports from each local Unit.
- 4) Discuss correspondence.
- 5) Discuss Old Business.
- 6) Discuss New Business.
- 7) Adjourn meeting.

## **Article 15 - Attendance**

All members of this Local Union holding elective positions are required to attend:

- Section 1: Two out of three consecutive membership meetings unless officially excused by the Local Union Executive.
- Section 2: Two out of three consecutive meetings, **in person or virtually**, other than membership meetings expected of their respective office or position, unless officially excused for cause by the Local Union Executive Board.
- Section 3: Failure of any elected official to comply with the above attendance rules shall result in automatic removal from their respective office or position and they shall not be permitted to run for elective office for the balance of the term of office which they were removed, except as a delegate to the National Constitutional Convention Unifor-Canada.

## **Article 16 - Reports and Recommendations of the Executive Board**

- Section 1: Minutes shall be taken of all Executive Board meetings by the Recording Secretary and these minutes shall be available to the membership at general membership meetings **upon request**.
- Section 2: All decisions and recommendations of the Executive Board shall be referred to the next regular general membership meeting for approval.

## Article 17 - Sick and Visitation Committee

Section 1: The Sick and Visitation Committee shall consist of one (1) member from each unit to be appointed.

Section 2:

- A. The duties of this committee, upon notification, shall be as follows:
- B. To purchase a wreath or ~~gift card to make a charitable donation~~ (not to exceed ~~seventy-five sixty~~ (\$~~75.00 60.00~~) dollars) for a member or any member of their immediate families. The wreath or gift shall bear the inscription of the Local Union. The immediate family shall be Spouse (including Common Law), Parent or Stepparent, Parent or Stepparent of Current Spouse, Child or Stepchild, Son-in-Law or Daughter-in-Law, Grandchild, Brother or Stepbrother, Sister or Stepsister, Grandparent or Grandparent of Current Spouse of the member. A wreath or donation will be sent to the family of a retired member who becomes deceased.
- C. A sum of ten (\$10.00) dollars for each full year of active membership within Unifor, but not less than two hundred (\$200.00) dollars will be given the family for any active member who becomes deceased.
- D. To a member confirmed in the hospital for more than one week, an appropriate gift will be sent, not to exceed the sum of ~~seventy-five fifty~~ (\$~~75.00 50.00~~) dollars, or sick at home after two (2) weeks of absence. ~~If still confined to a hospital, a member will receive the above gift every fourth week thereafter for a period not to exceed one (1) year.~~

Section 3: All members upon retirement shall receive a gift of ten (\$10.00) dollars for each full year of active membership with Unifor, but not to be less than two hundred (\$200.00) dollars.

## Article 18 - Bylaw Committee, Procedure and Amendments

Section 1: Bylaw committee shall consist of three (3) members of the membership, one of whom shall be a member of the Executive Board. The committee shall be appointed by the Executive Board. ~~Preference will be given to members who volunteer for this position.~~

Section 2: Bylaws shall be amended, altered, or revised only in conformity with the following procedures.

- A. A resolution or motion in writing calling for amendment alteration or revision shall be presented and read at a regular membership meeting. It must be seconded by a member other than maker.
- B. The resolution or motion shall then be referred to the bylaw committee and shall be reported by said committee at the next meeting together with the recommendations of the committee.
- C. A vote shall be taken on the recommendations of the bylaw committee and it shall require a majority vote for adoption.
- D. All local union bylaws except attendance rules are in full force and effective upon submission to the National Union Unifor-Canada.
- E. The bylaws of the local union shall at all times be subordinate and subject to the provisions of the constitution of the National Union Unifor-Canada as such a constitution now exists, or may from time to time hereafter be altered or amended: and in the event of any conflict the constitution of the National Union Unifor-Canada shall govern.

## Article 19 - Delegates from Local

- Section 1: Delegates to National Conventions shall be chosen pursuant to provisions of Article 6 Section B Paragraph 3b of the Constitution.
- Section 2: Delegates to Canadian Councils shall be chosen pursuant to provisions of Article 9 Paragraph 8 of the Constitution.
- Section 3: Delegates to Regional and Quebec Councils shall be chosen pursuant to provisions of Article 10 Paragraph 6b of the Constitution.

## Article 20 – Committees

- Section 1: All committees will be appointed by the Local Union Executive Board pursuant to Article 15 Section D of the constitution of the National Union Unifor-Canada.
- Section 2: The local Union shall have following standing committees, which will be elected by a plurality of votes.  
The Bargaining Committees will be:

MSSC Canada                      2 members

Vitesco                              3 members

- Section 3: The Executive Board shall ~~will~~ fill by appointment all the standing committees as they are listed under Article 15 Section O of the National Union Unifor-Canada Constitution. Any member interested serving on a committee is encouraged to submit their name to the Executive Board for consideration.

The Standing Committees are:

- Constitutional and Bylaws
- Education
- Environment
- Recreation
- Community Services
- Human Rights
- lesbian, Gay, Bisexual and Transgender Workers (LGBT)
- Aboriginal and Racialized Workers
- Workers with Disabilities
- Union in Politics

- Section 4: The representative to the Unifor Council will be elected from the Executive.

## Article 21 - Recall Procedure

- Section 1: ~~Any elected official A shop steward or committeeperson~~ may be recalled by the members he/she represents for failure to perform the duties of his/her office.
- Section 2: A vote on the question of recalling ~~any elected official a shop steward or committeeperson~~ may be initiated by a petition setting forth the reasons why the recall is sought and signed by at least twenty-five (25%) percent of the current members working under the jurisdiction of the steward or committee person and submitted to the local unit committee.
- Section 3: Twenty --five (25%) percent of the current members working under the jurisdiction of the steward or committeeperson must be present at the recall meeting to establish a quorum.
- Section 4: A majority vote of those present and voting is necessary to recall. The petition requirement and quorum requirements must be the same percentage figure. It should not be less than twenty-five (25%) percent, or more than fifty (50%) percent of the members represented.
- Section 5: ~~An elected Local Union Executive Board member may be recalled by the members for failing to perform the duties of their office. Pursuant to article 15, section B, paragraph 10 of the Unifor Constitution.~~

Signed:

THE EXECUTIVE BOARD

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President

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Vice President

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Secretary Treasurer

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Retired Workers Representative

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Recording Secretary

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Trustees

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Trustees

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Trustees