

CAW Local 4304 By-laws

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PREAMBLE

We, the members of Local 4304 of the National Automobile, Aerospace, Transportation and General workers Union of Canada, (CAW-Canada), have joined together to help one another, to unite our strength, to win better wages and working conditions through collective bargaining and political action, to work for social justice and to contribute to world peace.

We recognize that human beings are fallible and therefore, like all people who believe in democratic principles we want a “government of laws, not of human beings.” Therefore these Bylaws exists:

To ensure that Local 4304 operates under the rule of law according to democratic principles; that representatives of Local 4304 will carry out their duties in a manner befitting the privilege of representing Local 4304 members and their interests; that the responsibilities of each part of the Local 4304 structure be clearly described and understood; that each member will be guaranteed due process in any dispute with the Local or National Union, or their representatives; the Local 4304 will have the financial capacity to carry out its responsibilities as out-lined in these Bylaws; and that any other such matter necessary to the operating of a democratic union dedicated to the progress of workers and society be enshrined in these Bylaws.

ARTICLE 1 NAME

- 1.1 This organization shall be known as Local 4304, National Automobile, Aerospace, Transportation and General Workers union of Canada (C.A.W. Canada). In this document also called Local 4304.

ARTICLE 2 CONSTITUTION AND BYLAWS

- 2.1 The Constitution of the Local Union shall be the Constitution of the National Union, C.A.W., and these Bylaws, which shall be in all respects subordinate to, said Constitution and all applications and interpretations thereof.

ARTICLE 3 OBJECTIVES

The Objectives of this Local Union shall be:

- 3.1 To unite all workers who are under the jurisdiction of CAW- Canada into one organization without regard to race, sex, creed, colour, marital status, sexual orientation, disability, political or religious affiliation, or place of national origin. Every member must receive equal treatment under this constitution.

- 3.2 To protect the interests of members, keep what we have gained, improve working conditions and create a uniform system of shorter hours and higher wages.
- 3.3 To end occupational injury and disease and improve conditions to create healthy workplaces.
- 3.4 To promote a better and clearer understanding between the employee and the employer at all times.
- 3.5 To educate the members in the history of the labor movement and our own Union, C.A.W.-Canada.

ARTICLE 4 FISCAL YEAR

- 4.1 The fiscal year of Local 4304 shall begin the first day of January of each year and end on the 31st day of December of the same year.

ARTICLE 5 MEMBERSHIP

- 5.1 The membership of Local 4304 shall be comprised of workers covered in the collective agreement(s) signed by the representatives of Local 4304.
- 5.2 All applicants for membership shall fill out an official application provided by the National Union and sign a promise to follow the Constitution and rules set out by the National Union.
- 5.3 Each member in good standing of this Local Union has the right to:
 - 5.3.1 Nominate members for office
 - 5.3.2 Run for office
 - 5.3.3 Vote for candidates
 - 5.3.4 Attend meetings
 - 5.3.5 Express opinions on all matters of business before the Local Union
 - 5.3.6 Meet and assemble freely with other members
 - 5.3.7 Participate in the general activities of the union.
- 5.4 A Member in exercising the forgoing rights and privileges shall not take any irresponsible action which would tend to jeopardize or destroy, or interfere with the legal or contractual obligations, or be detrimental to either the Local or National Union as organizations, or their free democratic heritage.
- 5.5 Violation or abuse of these rights and privileges of membership or engaging in conduct prohibited by this section, shall be considered “conduct unbecoming a Union Member”. Any member, or members, who have violated these Bylaws or

the National Constitution, or engaged in detrimental conduct, may have charges brought forth as per the National Constitution.

- 5.6 If this Local Union suspends or expels any member for just cause it shall notify the CAW National Secretary-Treasurer.
- 5.7 Initiation fee of the Local Union shall be twenty dollars (\$20.00) of which \$5.00 will be applied to the Local 4304 Charitable Fund.
- 5.8 Membership cards shall be issued to all members from the Local Union.

ARTICLE 6 GENERAL MEMBERSHIP MEETINGS

- 6.1 Local 4304 meetings shall be held at a date, time and place to be determined by the Executive Board. Meetings shall be a maximum of 2 hours in length, but may be extended for a specific period of time by 2\3 majority vote of the members present. During the months of July and August the meetings may be suspended.
- 6.2 A quorum at a General Membership Meeting shall be 15 members in good standing.
- 6.3 Members shall be notified at least seven (7) days in advance of all meetings by bulletins on Union Notice Boards throughout the work place. Only members in good standing may attend membership meetings.
- 6.4 The President of Local 4304, upon written petition signed by the majority of the Executive Board or at least 20% of the members in good standing, shall call a special meeting and the petition shall mention the aim or aims of said meeting. Discussion shall be restricted to these aims only.
- 6.5 Admission to membership meetings shall be upon presentation of membership card. Those member's who do not have their membership card upon their person, must have another member in good standing vouch for them.
- 6.6 Any member who attends a meeting in an intoxicated condition and\or creates a disturbance shall lose voice and their right to vote at said meeting. Where necessary to maintain order, the member may be evicted from the meeting by order of the Chair, subject to challenge of the membership. Flagrant or persistent violation of this section by any member shall be "conduct unbecoming a Union member".

- 6.7 The regular order of business shall be as follows:
- 6.6.1 Opening of meeting
 - 6.6.2 Reading of agenda
 - 6.6.3 Minutes of previous meeting
 - 6.6.4 Financial report
 - 6.6.5 Recommendations of the Executive Board
 - 6.6.6 Actions taken by Executive Board
 - 6.6.7 Unfinished business
 - 6.6.8 New business
 - 6.6.9 Elections (if required)
 - 6.6.10 Good and Welfare
 - 6.6.11 Closing
- 6.7 A copy of the minutes of the previous meeting, financial report and committee reports will be distributed to each member present at the General Membership Meeting.
- 6.8 Bourinot's Rules of Order shall govern all discussions and debates.
- 6.9 The member must rise and be recognized. The members shall confine their remarks to the order of business of the motion under discussion and shall be allowed five minutes. The member shall speak only once upon the matter under discussion except in the case of the sponsor of a motion or resolution who shall be allowed to close discussion on the motion or resolution. The motion or item of discussion shall be entertained for no more than 1\2 hour and shall be timed by the Sergeant-at-Arms. Unless extended by a vote passed by at least 2\3 of the members present.
- 6.10 A notice of motion that affects the vital interests of the union must be submitted to any regular meeting of the local. Such notice of motion shall be seconded, read, and laid on the table until the next meeting. The motion shall be posted 25 days before the next meeting. The motion will be read at the next meeting and resolved by a vote of the members present. A 2\3 majority of the members voting is necessary to adopt the motion.

ARTICLE 7 POWERS OF ADMINISTRATION

- 7.1 The Membership is the highest authority of this Local Union and shall be empowered to take or direct any action not inconsistent with the Constitution or the Bylaws.
- 7.2 Between the membership meetings the Executive Board shall be the highest authority of Local 4304 and shall be empowered to act on behalf of the membership subject to subsequent membership approval. The Executive Board

may not take action affecting the vital interests of Local 4304 without prior membership approval.

7.3 Vital interests shall include:

- 7.3.1 Hours of work
- 7.3.2 Any monetary issue
- 7.3.3 Benefit
- 7.3.4 Seniority
- 7.3.5 Health and Safety
- 7.3.6 Dues
- 7.3.7 Expenses over \$500
- 7.3.8 Working conditions.

7.4 Between meetings of the Executive Board, which are held monthly, the President shall exercise general administrative authority and shall be empowered to act on behalf of the Executive Board subject to subsequent approval by the Executive Board.

7.5 The Executive Board shall appoint a Workers' Safety and Insurance Board Representative. This appointment shall be for a three (3) year term, and shall be made at the same time as the election of the committees. The Workers' Safety and Insurance Board representative shall report directly to the Executive Board and make monthly reports at the General Membership Meeting.

ARTICLE 8 LOCAL UNION OFFICERS

8.1 The Local Union shall have the following Officers:

8.1.1 President

The President shall chair Local 4304 meetings, enforce the constitution and appoint committees not otherwise provided for. The President shall sign requisitions for expenditures authorized by Local 4304 and be a signing officer.

8.1.2 Vice President

The Vice President shall assist the President in his/her duties and attend Local 4304 meetings. If the President is absent or incapacitated, the Vice President shall perform the Presidents duties.

8.1.3 Financial Secretary

The Financial Secretary shall perform all the duties as outlined in the National Constitution.

8.1.4 Recording Secretary

The Recording Secretary shall keep a correct record of the proceeds of all meetings and sign requisitions for funds that have been authorized by Local 4304. He/she shall read all documents and correspondence that does not pertain to another officer's duties. He/she shall file documents and correspondence for future reference. The Recording Secretary shall bring any correspondence requiring action to the members' attention.

8.1.5 Local Chairperson

The Local Chairperson shall oversee the Chief Stewards and the Stewards and shall coordinate grievances. The Local Chair shall coordinate the recall process of any elected position.

8.1.6 Trustees (3)

The Trustees shall perform all the duties as outlined in the National Constitution and Local 4304 Bylaws.

8.1.7 Sergeant-at-Arms / Guide

The Sergeant-at-Arms / Guide shall introduce all members and visitors, inspect membership cards and assist the President in preserving order when called upon to do so. He/she shall take charge of all property of Local 4304 not otherwise provided for.

8.2 The Executive Board shall consist of the Local Union Officers.

8.3 The Executive Board shall meet at least ten (10) times a year, or upon the request of fifty (50) percent or more of the Executive Board Members.

8.4 The Recording Secretary shall give seven (7) days notice of all Executive Board meetings. The notice period may be waived in the event of an emergency.

8.5 In the event that any of the offices becomes vacant an election shall be held within sixty (60) days. The Executive Board may appoint a replacement in the interim.

8.6 The Executive Board may appoint a member of the Executive Board as an ex-officio member to each of the committees.

ARTICLE 9 LOCAL UNION ELECTIONS

9.1: All Local 4304 Officers and Committees shall be elected in accordance with the National Constitution.

- 9.2 The election of Officers and Committees shall be held every three years.
- 9.3 At the February membership meeting, in the year of the election, the membership shall elect an Election Committee. The committee shall contain sufficient members to ensure that each polling location shall be adequately staffed. The Election Committee shall ensure that there are adequate polling stations and that they are in such locations as to ensure that all members have reasonable access to vote during voting hours. A notice of all dates, locations and times shall be posted at least seven (7) days prior to the Election Day. The election committee shall provide to all candidates upon request, a copy of the rules for the election. Copies of the election rules shall also be posted on all Union bulletin boards.
- 9.4 All members of Local 4304 in good standing shall be eligible for election to office.
- 9.5 No member shall accept a nomination for more than one position on the Executive Board.
- 9.6 The nominations for the Officers of Local 4304 shall be held at the April meeting of the General Membership, and the election held on the same day as the May meeting of the General Membership.

The nominations for the Committees shall be held at the May meeting of the General Membership, and the elections held on the same day as the June meeting of the General Membership.

- 9.7 Nominations shall be oral, at the respective nomination meeting, or may be in writing to the Recording Secretary to be received prior to the start of the respective meeting. If only one nomination is received for a position the candidate shall be declared acclaimed. Candidates who receive oral nominations must signify their acceptance or refusal to stand at the nomination meeting.
- 9.8 Ballots for the Officers shall be counted in the following order:
1. President
 2. Vice President
 3. Financial Secretary
 4. Local Chairperson
 5. Recording Secretary
 6. Sergeant-at-Arms / Guide
 7. Trustees
- 9.9 The Chairperson of the Election Committee shall announce the results of the ballots.

- 9.10 The Chairperson of the Election Committee shall officiate at the swearing in of the elected members following the procedure in the National Constitution.

ARTICLE 10 DUTIES OF COMMITTEE CHAIRPERSONS AND STEWARDS

10.1 The Duties of Committee Chairpersons shall be:

- a) To chair all committee meetings
- b) To be familiar with the duties of the committee as required by the Local and National Constitution.
- c) To attend at least two (2) out of three (3) meetings of their committee and to report back to the Executive Board.
- d) To ensure written reports of the committees actions are provide to the Recording Secretary for distribution at the General Meetings.
- e) To ensure the committee works in harmony with the other committees of the Local Union and the Executive Board to carry out the decisions of the members.
- f) To turn over all papers, documents, funds and/or other Local Union property at the conclusion of his/her term to their successor and provide assistance to him/her in all ways possible.
- g) To call a meeting of the committee upon request of fifty percent or more of the members of the committee.

10.2 The Duties of Stewards shall be:

- a) To become familiar with all of the provisions of the Collective Agreement, the National Union Constitutions and Local 4304.
- b) To be completely familiar with the grievance procedure.
- c) To receive complaints and grievances of his/her division and to make every effort to conform to the grievance system to satisfactorily adjust and settle all grievances.
- d) To maintain privacy of members' issues at all times
- e) To turn over all papers, documents, funds and/or other Local Union property at the conclusion of his/her term to their successor and provide assistance to him/her in all ways possible.
- f) To carry out any other duties the National Constitution, the National Union and / or the Executive Board may prescribe.

ARTICLE 11 ATTENDANCE RULES FOR LOCAL UNION ELECTED POSITIONS

- 11.1 A member elected to the Executive Board, Committee Chair or Chief Steward by the membership must attend two (2) General Membership Meetings in a three (3) month period, unless properly excused.
- 11.2 Members of the Executive Board must also attend two (2) out of three (3) Executive Meetings.
- 11.3 These rules cannot be employed to make attendance of meetings a condition of eligibility to run for office. The attendance provisions can only be applied after a member is elected to a Local Union position

ARTICLE 12 LOCAL UNION COMMITTEES

- 12.1 There shall be the following Local 4304 Standing Committees (Mandated)
 - a) Constitution and Bylaws
 - b) Education and Newsletter
 - c) Political Education
 - d) Community Services
 - e) Recreation and Leisure
 - f) Human Rights
 - g) Women's
 - 12.1.1 Local Union Standing Committee's may be combined at the direction of the members
 - 12.1.2 Committees shall have at up to five (5) members.
 - 12.1.3 Committees shall set terms of reference for their term of office to be approved by the Executive Board.
- 12.2 There shall be the following Local 4304 Standing Committees (Non Mandated)
 - a) Labour Council
 - b) Charitable
 - c) Welfare and Benefits
 - 12.2.1 Committees may have as many members as are required to carry out their duties.
 - 12.2.2 Committees shall and set terms of reference for their term of office to be approved by the Executive Board.

12.3 There shall be the following Ad Hoc Committees as required.

- a) Election.
The Election Committee shall carry out its duties according to the National Constitution and Section 9 of the Local Union Constitution.
- b) Negotiation.
The Negotiation Committee shall have sufficient members to effectively negotiate the Local Contract. The President, Vice President, and the Local Chair shall be automatic members.
- d) Other committees shall be set up as required.

12.3.1 Committees shall be set up when necessary and dissolved once their function is completed.

12.4 There may be the following Union / Management Committees

- a) Accident Review
- b) Uniforms
- c) Operations
- d) Health and Safety
- e) Sign Up and Scheduling

12.4.1 Committees may have as many members as are required to carry out their duties.

12.4.2 Committee membership shall reflect the various divisions within Transit Operations.

12.5 Committees shall elect a Chairperson from within their membership.

12.6 Committee Chairpersons shall provide written reports on their activities to the Recording Secretary to be distributed at the general membership meetings.

ARTICLE 13 FINANCES

13.1 When a member is acting on approved business on behalf of the Union Local any lost wages and reasonable expenses will be covered by Local 4304. All lost time must receive prior approval by the President and the Financial Secretary.

13.2 The Trustees shall annually present for the member's approval a schedule outlining the amounts that a person acting on behalf of the Local 4304 shall receive to reimburse for travel, meal and out-of-pocket expenses. The Trustees shall also recommend to the members the amount and frequency of honorariums, if any, that shall be paid to eligible Officers and Committee Chairs.

13.3 The Signing Officers for Local 4304 shall be the President, Vice President, Financial Secretary, and the Chief Trustee.

13.4 The signatures of two Signing Officers are required on all cheques.

ARTICLE 14 DELEGATIONS FROM LOCAL UNIONS

14.1 All delegates to National Constitutional Conventions or Councils shall be chosen pursuant to the National Constitution.

14.2 All National Convention delegates shall be elected from the membership prior to the date of the convention.

14.3 The President will be an Automatic observer to the National Convention and C.A.W. Council and in the event that they are unable to attend, the Vice President will act as the alternate.

14.4 Any member attending a union conference must attend all sessions of the function, conference or convention. Failure to attend without good reason) will require the member to repay all or part of the expense monies received from the Local 4304.

ARTICLE 15 GENERAL

15.1 All Union business shall be channeled through the Local Executive Board.

15.2 All voting on collective agreements will be by secret ballot.

15.3 Any member of this Local 4304 receiving special training sponsored by this Local shall be expected to serve at least one term for which they received the special training. Any member who is unable or unwilling to serve out a term shall reimburse the Local 4304 for all funds spent on their behalf for the use of training their successor, unless the member brings good reason for being unable to continue their duties to the General Membership Meeting and the members agree to waive the requirements for reimbursement to the Local.

ARTICLE 16 RETIREEES

16.1 All members will receive a C.A.W. watch upon retirement.

16.2 Any member who has between fifteen (15) and twenty-four (24) years of service shall receive an honorarium upon retirement as recommended by the Executive Board, for approval by the members.

- 16.3 Any member who has worked twenty-five (25) years or more shall receive an honorarium upon retirement as recommended by the Executive Board, for approval by the members.

ARTICLE 17 APPEALS AND RECALLS

- 17.1 Any member wishing to appeal a Local 4304 decision has the duty to use the method of appeal outlined in the National Constitution before seeking a remedy by going to a civil court or government agency.
- 17.2 A member elected to a position within the Local 4304 may be recalled by the members he/she represents for failing to perform the duties of the office as outlined in the National Constitution and these Bylaws.
- 17.3 The petition for recall will require 25% of the members he/she represents, and the quorum for the special meeting shall be 25% of the members he/she represents.
- 17.4 The Local Chair, or designate, shall be responsible for verifying the petition and ensuring the process and special meeting are held according to the procedures.
- 17.5 A 2\3 majority of the members voting is necessary to adopt the motion.

ARTICLE 18 AMENDMENTS

- 18.1 These Bylaws may be amended by presenting a ‘Notice of Motion’ in writing setting forth the amendment sought by the member. The amendment shall be read at that meeting. The amendment shall then be referred to the Constitution and Bylaw Committee to examine language content and legality. The Constitution and Bylaw Committee shall then provide its’ comments to the membership at the succeeding meeting. The Constitution and Bylaw committee will post a notice twenty one (21) days prior to the next meeting, which must contain the particular Bylaw amendments that will be considered. If approved by two thirds (2\3) of the Membership vote at this meeting the amendment shall be considered adopted by the Membership.
- 18.2 A Booklet containing these Bylaws will be brought up to date on a three (3) year basis.

Approved at the General Meeting November 24th 2002