

**Constitution  
of the  
National Automobile,  
Aerospace, Transportation  
and General Workers Union  
of Canada,  
(CAW-Canada)**



**Adopted at  
Toronto, Ontario  
August, 2003**

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*President*

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# **Constitution of the National Automobile, Aerospace, Transportation and General Workers Union Of Canada, (CAW-Canada)**

This Constitution was adopted at the Founding Convention of the National Union, United Automobile, Aerospace and Agricultural Implement Workers of Canada (UAW-Canada) on September 4th, 1985 in Toronto, Ontario, and amended at subsequent conventions:

Amended Toronto, Ontario

June 9, 1986

Name changed to "National Automobile, Aerospace and Agricultural Implement Workers Union of Canada (CAW-Canada)"

Amended Toronto, Ontario

April 22 - 24, 1987

Amended Ottawa, Ontario

Nov. 7 - 9, 1988

Amended Halifax, Nova Scotia

Sept. 10 - 13, 1991

Amended Quebec City, Quebec

August 23 - 26, 1994

Name changed to "National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada)"

Amended Vancouver, British Columbia

August 11 - 15, 1997

Amended Quebec City, Quebec

August 21 - 24, 2001

Amended Toronto, Ontario

August 19 - 22, 2003

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# STATEMENT OF PRINCIPLES

## **Working People Need Unions**

We formed our union because we could not depend on employers to provide us with dignity, a measure of security and a rising standard of living. And, over the years, we did make impressive gains. But our objectives remain far from fulfilled, and with even our past gains under attack, we need unions today as much as we ever did.

## **Democratic Unionism**

Unions are voluntary organizations. We can only be effective if the membership knows the union truly belongs to them. This means a union which reflects the goals of its membership, allows the members full participation, and encourages workers to develop their own skills and understanding. Internal democracy also means we view each other as equals. Racial discrimination or sexual harassment violate our principles, undermine our solidarity and erode our strength. We not only oppose such responses but will actively work to overcome them.

## **Unions and a Democratic Society**

In our society, private corporations control the workplace and set the framework for all employees. By way of this economic power, they influence the laws, policies, and ideas of society. Unions are central to our society being democratic because:

Unions bring a measure of democracy to the place of work, which is so central to peoples' lives.

Unions act as partial counterweight to corporate power and the corporate agenda in society more generally.

## **Social Unionism**

Our collective bargaining strength is based on our internal organization and mobilization, but it is also influenced by the more general climate around

us: laws, policies, the economy, and social attitudes. Furthermore, our lives extend beyond collective bargaining and the workplace and we must concern ourselves with issues like housing, taxation, education, medical services, the environment, the international economy.

Social unionism means unionism which is rooted in the workplace but understands the importance of participating in, and influencing, the general direction of society.

### **Building Tomorrow**

Unions were born out of struggles to change the status quo. Our successes extended progress beyond unions themselves, and our struggles became part of a social movement for a more human society here and for peace and justice internationally. These struggles were first steps towards developing the confidence that change is possible and that our vision is not just a dream.

We are proud of the leadership role we have played, aware of the difficulties continued progressive change will face, and committed to building the social solidarity that can take on this change.

## PREAMBLE

We, the members 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 this constitution exists:

To ensure that the National Automobile, Aerospace, Transportation and General Workers Union of Canada, (CAW-Canada), operates under the rule of law according to democratic principles; that representatives of the National Union will carry out their duties in a manner befitting the privilege of representing CAW members and their interests; that the responsibilities of each part of the National Union's structure be clearly described and understood; that each member will be guaranteed due process in any dispute with the National Union, Local Unions, subordinate bodies, or their representatives; that the National Union will have the financial capacity to carry out its responsibilities as outlined in this constitution; and that any other such matter necessary to the operating of a democratic union dedicated to the progress of workers and society be guided by principles enshrined in this constitution.

## ARTICLE 1

### Name

This organization is the “National Automobile, Aerospace, Transportation and General Workers Union of Canada, (CAW-Canada), Syndicat national de l’Automobile, de l’Aerospaciale, du Transport et des autres travailleurs et travailleuses du Canada, (TCA-Canada).” In this document it is also called the National Union.

This document is the “Constitution and Bylaws” of the CAW-Canada. It is also the constitution of every subordinate body.

## ARTICLE 2

### Objectives

#### *Section 1*

unite workers

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.

#### *Section 2*

improve working conditions

To protect the interests of our members, keep what we have gained, improve working conditions and create a uniform system of shorter hours and higher wages.

#### *Section 3*

create healthy workplaces

To end occupational injury and disease and improve conditions to create healthy workplaces.

#### *Section 4*

To educate our members in the history of the labour movement and its role in improving our society.

To help members be aware of world events that affect workers.

education and political action

To encourage members to take part in political action to promote ideas and candidates that advance workers' rights.

To work for laws that will make life better for the community.

*Section 5*

To work for better economic and social conditions in Canada and the world.

improve economic and social conditions

To take part in elections at all levels of government.

*Section 6*

To build and unify the labour movement by working with other national unions as an affiliate to the Canadian Labour Congress.

build and unify the labour movement

To provide help, both within Canada and throughout the world, to labour and other organizations with objectives similar to ours.

**ARTICLE 3  
Constitution**

This constitution is the highest authority governing the National Union, its Local Unions, subordinate bodies and people elected or appointed to any office in the union. Delegates at a Constitutional or Special Convention may amend this constitution by a majority vote. This constitution was last amended in **Toronto**, August, **2003**.

highest authority amend by majority

**ARTICLE 4  
National Union Headquarters**

The National Union headquarters must be in Metropolitan Toronto, Ontario.

## ARTICLE 5 Jurisdiction

### Section 1

over all those who were under UAW jurisdiction

CAW-Canada has jurisdiction over all employees and those looking for work in all areas, jobs, industries and workplaces where they were represented by and admitted to membership under the United Auto Workers constitution and, by virtue of its successorship, by the CAW and its Locals under this constitution. Without limiting the general nature of these workplaces, and for greater clarity, these workplaces were defined and set out in a resolution of the National Executive Board passed on July 10, 1987.

### Section 2

NEB may add a group

The National Executive Board, without a formal resolution, may decide that any group of employees is eligible for membership.

## ARTICLE 6 Membership

### Section 1

application to Local Union

60 days maximum

date membership takes effect

E.g., if dues to cover June are paid on July 2, the member is in good standing starting on June 1.

(a) Any person who supports the principles set out in this constitution's Preamble may apply for membership to the Local Union that has jurisdiction over his/her workplace. Applicants will fill out an official application and sign a promise to follow this constitution and rules set by the National Union.

Applications go to the Financial Secretary. The Local Union will act upon the application as soon as possible, but not later than 60 days from the date the application is received.

(b) Membership will take effect from the first day of the month for which dues are paid.

## ART. 6

(c) Also, people working for unorganized employers or in workplaces not yet under the jurisdiction of a CAW-Canada Local Union may become members of the National Union by signing an application and paying one dollar toward initiation fees or dues. The amount may be more or less than \$1, depending on the provincial or federal laws covering the workplace. These members will automatically become members of the Local Union when it receives its charter or is awarded jurisdiction over the workplace.

becoming  
member  
during  
organizing

### *Section 2*

The National Union will provide the official application forms.

National  
Union pro-  
vides forms  
receipts  
to new  
members

The Local Union will keep the original signed application. The Local Union will give the new member an original receipt for all money paid and keep a duplicate. After a Local Union audit, the duplicate receipts may be destroyed with written approval from the National Secretary-Treasurer.

### *Section 3*

The National Office must receive a monthly report from the Local Union Financial Secretary before it will record or accept payment for a new member.

monthly  
report

### *Section 4*

The National Union will provide membership cards at no more than cost when Local Unions request them. Local Unions must issue membership cards to their members, using only those cards provided by the National Union.

membership  
cards

### *Section 5*

A member suspended or expelled as a result of charges laid against her/him becomes eligible to be a member in an-

suspended  
member  
applying to  
another local

## ART. 6

other Local Union only after all charges are settled and it is confirmed in writing.

### *Section 6*

membership  
in one local

only one  
full-time job

No one can hold a membership in more than one Local Union at the same time, except with the National Executive Board's permission. A member who is fully employed in one workplace under CAW-Canada jurisdiction may not accept work in any other workplace under its jurisdiction. Any member doing so may be charged with conduct unbecoming a union member. This does not apply where members in an authorized strike have written approval from the Local Union.

### *Section 7*

membership  
for people  
promoted at  
work

A person who heads a department, directs company policy or has the authority to hire and fire workers is not eligible for membership. Local Unions will give withdrawal cards immediately to members who take such a position. Members promoted to minor positions, where they do not have the power to discipline, hire and fire employees, may keep their membership at the discretion of the Local Union.

### *Section 8*

National rep  
changing  
local  
membership

A National Officer or Representative whose Local Union ceases to exist may apply for membership in another Local Union. If accepted by the Local Union, the National Officer or Representative will have been a member in good standing during the change.

### *Section 9*

free member-  
ship during  
incapacity

A Local Union may grant a free membership to a member for the period of her/his incapacity resulting from accident or illness.

*Section 10*

All members of a Local Union are also members of the National Union and subject to its orders, rulings and decisions.

Local members also National members

*Section 11*

The National Union and the Local Union to which the member belongs shall be her/his exclusive representative for:

union represents member for bargaining, before tribunals, in settling grievances

- collective bargaining in respect to rate of pay, wages and hours of employment
- negotiating and enforcing contracts with employers, including contracts that set membership in the union as a condition of employment and that require the employer to deduct, collect, or help collect any dues or fees payable to the National or Local Union from employees' wages
- acting for the member before a board, court or other tribunal in any matter affecting her/his status as an employee or as a union member.
- representing the member in settling grievances or disputes arising from the employer-employee relationship.

Decisions resulting from the union's actions are binding on the member.

decisions bind member

*Section 12*

(a) A member who retires is entitled to "retired membership status" and does not have to pay dues. The retired member has all the privileges of membership except the right to vote in strike votes (Art. 45 Sec. 1, 4), ratifications of collective agreements (Art. 19 Sec. 3) or in elections for workplace representatives (Art. 41 Sec. 1). **In ad-**

retired members

## ART. 6-7

**dition, a retired member cannot run for local union executive office as defined in Article 34, Section 3 & 4.** The National Union will prepare retired member cards and supply them to Local Unions at cost. If the retired member returns to work, the regular withdrawal-transfer method will apply.

officer must retire at 65

(b) All full-time National Officers, Local Union Officers, National Executive Board members and National Representatives must retire from their position on the first day of the month following their 65th birthday. This does not apply where the law prohibits mandatory retirement at age 65 or older.

### *Section 13*

non-members

Non-members in a workplace covered by a CAW-Canada collective agreement may become members at any time under the same terms as any other member. Non-members receive the benefits from the collective agreement, but they may not take part in the affairs of the union.

### *Section 14*

National Executive Board may grant honorary membership

**The National Executive Board, by majority vote, may grant honorary membership status for individuals who are non-members but have performed meritorious service on behalf of the members of CAW-Canada. Such designation will not confer any membership rights or privileges as may be described elsewhere in this Constitution.**

## ARTICLE 7

### **National Union Authority**

The members will govern the National Union.

(a) The highest authority is the Constitutional Convention. It consists of delegates democratically elected by the Local Unions' members.

Constitutional Convention highest authority

(b) Between conventions, the National Executive Board is the highest authority.

between conventions, NEB has authority

(c) Between National Executive Board meetings, the National President has authority. S/he is responsible to the National Executive Board for the administration of the union. S/he must act in keeping with the constitution, actions of the Constitutional Convention, and National Executive Board decisions. The president consults with the National Union Officers on important matters and reports her/his actions to the board for their approval.

between NEB meetings, National President has authority

(d) If the National President is incapacitated, the National Secretary-Treasurer will assume her/his authority and duties.

Secretary-Treasurer replaces President

## **ARTICLE 8**

### **Mergers**

#### *Section 1*

If a majority of National Executive Board members agree, the National Executive Board may approve a merger with another trade union or bring another union into CAW-Canada, as long as the action does not affect CAW-Canada's identity or standing in the trade union movement.

NEB approves mergers

#### *Section 2*

The National Executive Board will rule on any question concerning the interpretation of this constitution as it applies to merged unions and their former members. The decision is binding.

NEB interprets constitution

## ART. 9

### *Section 3*

may set aside  
a part of  
constitution

If the National Executive Board decides that a part of this constitution cannot be applied within a merged union or a new unit, it may dispense with that part on terms it deems appropriate.

## ARTICLE 9 Conventions

### *Section 1*

constitution-  
al convention  
every three  
years

Constitutional Conventions will be held every three years. The next one will be held in August, 2003. The National Executive Board may advance or delay the convention by two months.

### *Section 2*

agenda

Agenda unless changed by convention:

1. Call to Order
2. Report on Credentials
3. Reading of Convention Rules
4. Appointing Committees
5. Resolutions, etc.
6. Report of National President
7. Report of Secretary-Treasurer
8. Reports of Committees
9. Nomination and Election of Officers and National Executive Board members
10. Unfinished Business
11. New Business
12. Adjourn

### *Section 3*

quorum is  
25%  
unfinished  
business to  
NEB

A quorum is 25 per cent of delegates at convention. No business can be done if there is not a quorum. If there is no quorum on the last day, all unfinished business will be referred to the National Executive Board.

### *Section 4*

No less than **120** days before a Consti-

tutional Convention, the National Secretary-Treasurer will issue the Call to the Convention and duplicate sets of delegate and alternate credential forms in contrasting colours.

Sec-Treas issues Convention Call, credentials 90 days before

The delegate or alternate will keep the original and the duplicates will be sent to the National Secretary-Treasurer. Credentials will not be accepted in the 30 days prior to the beginning of the convention.

credentials due 30 days before

*Section 5*

Resolutions and constitutional amendments must be sent to the National Secretary-Treasurer not later than **Twelve** weeks prior to the convention. The National Secretary-Treasurer will give these to the committee chairs. **In order to be considered a resolution and/or constitutional amendment must have first been approved by the sponsoring local union membership unless brought forward to the Convention from the Resolutions or Constitution Committee.**

resolutions deadline 12 weeks before

*Section 6*

For this article, the number of members in each Local Union is the average number of monthly per capita taxes paid by the Local Union to the National Union. The average will be taken over three calendar years before the convention year.

number of members is average number of taxes paid over 3 years

Local Unions or units that have been in authorized strikes or in lockouts will subtract the months of the strikes or lockouts in which their members did not work 40 or more hours (a normal work week).

subtract for strikes

*Section 7*

To be entitled to representation at a convention, new Local Unions have to be affiliated with the National Union

new Locals have to be 3 months old and have

## ART. 9

paid 2  
months' tax

delegates  
based on  
number of  
months paid

unit of Amal-  
gamated get-  
ting separate  
charter not a  
new local

vote  
entitlement

Local  
delegate  
entitlement

for at least three months before the convention and have paid at least two months' per capita tax. If a local has existed since the last convention, it is entitled to its full quota of delegates based on the number of months of per capita tax paid since the convention. Local Unions that received their charters since the preceding convention are entitled to delegates based on the number of per capita taxes paid averaged over the number of months since the preceding convention.

In an Amalgamated Local Union, a unit that has been organized for more than a year and has received a separate charter is not considered a new Local Union.

### *Section 8*

Each Local Union will have one vote for the first 100 members or less and one vote for each additional 100 members or major portion of 100.

The votes will be divided equally among the delegates of a Local Union.

An Amalgamated Local Union may decide how to divide its votes among the delegates.

The total votes of the units in an Amalgamated Local must not be more than the total the Local Union is entitled to in Section 6.

No delegate may have more than eight votes.

### *Section 9*

(a) Each Local Union that is not an amalgamated local will have:

- two delegates for the first 500 members or less, plus
- one delegate for the next 500 members or major portion of 500, plus

- one more delegate for each additional 500 members of major portion of 500

(b) Each unit of an Amalgamated Local Union that averages 200 or more members will have delegates as in (a) above. Units with more than 200 members may elect their own delegates. Units with less than 200 will be grouped and vote together. If a group of units has less than 200, the National Secretary-Treasurer will divide the members among other units to result in the maximum number of delegates.

(c) In an Amalgamated Union Local, each unit will have a number of delegates in proportion to the number of per capita taxes it pays. If the numbers do not divide equally, the remainder will go to the Local Union's Joint Council, if there is one. There one delegate will be elected for each 500 members or major part of 500. Any qualified Local Union member may be elected by the Joint Council, if s/he has not accepted a nomination in her/his unit.

delegates in Amalgamated Locals

*Section 10*

To be eligible to be a delegate from a Local Union, the nominee must be a member in good standing of the National Union for the 12 months preceding the first day of the convention month and also be a member of the Local Union or unit for three months preceding the first day of the convention month. The delegate must also pay his/her dues or have out-of-work receipts.

delegates must be members in good standing for a year member of Local for 3 months paid up

Also eligible are members of Local Unions or units that have not been in existence for 12 months before the convention, if they become members not later than 30 days after the charter is

new units

## ART. 9

automatic delegates:  
retired advisory executive

National President,  
National Secretary-Treasurer, Quebec Director,  
National Reps  
other NEB members

Local cannot bind a delegate

Call for delegate nominations

elected Election Committee to handle details of election

process for delegate nominations decided by Local

7 days' notice, list available  
nominees cannot be on Election

issued.

### *Section 11*

The following are automatically delegates:

(a) Members of the CAW-Canada National Retired Workers Advisory Executive have voice and one vote each (Article 48 Section 5c).

(b) The National President, National Secretary-Treasurer, Quebec Director and National Representatives have voice but no vote unless they are elected delegates from Local Unions.

(c) National Executive Board members, other than the three above, have voice and one vote each.

### *Section 12*

A local union cannot order a delegate to vote in a particular fashion at the convention.

### *Section 13*

(a) Following the Convention Call, each Local Union will issue a call for the nomination of delegates.

(b) If the Local does not have an elected standing Election Committee, it will elect an Election Committee at a regular or special meeting. At least seven days notice must be given for the special meeting. The Election Committee will administer the details and procedures of the election and make sure it is fair.

(c) The nomination process may be decided by the Local. Nominations for delegates may be made at the meeting where the Election Committee is elected. In any case, at least seven days' notice must be given for nomination. After the close of nominations, a list of nominees will be available to the members. Nominees may not be mem-

bers of the Election Committee or serve as challengers or observers. Only those nominated may be elected. Committee or challengers

(d) There must be at least seven days between the deadline for nomination of delegates and the election. The Local Union must notify all members at least 15 days in advance of the date, time and place of the election. Polling places must be open for enough time on one or more days to give all members a chance to vote. 15 days' notice of time and place of election

(e) Delegates must be elected by secret ballot. The candidates receiving the most votes will be elected. secret ballot plurality vote

(f) If there is a clear violation of this constitution or the Local Union's by-laws in the pre-election procedures, the National President may order a correction of the violation before the election. This action may be appealed to the Credentials Committee. National President may order correction

*Section 14*

Local Unions may elect alternate delegates. The number of alternates may be equal to or less than the number of delegates. Local Unions will decide how an alternate will replace a delegate and will inform the Credentials Committee. Delegates can be replaced if they are unable to serve or if they are recalled by their Local Union in the same way they were elected. alternates

*Section 15*

(a) All Convention Committees will have an odd number of members, but not more than 13. The National Executive Board will choose the committees from the credentials of delegates to the convention. convention committees

(b) The Constitution Committee will meet at least one week before the convention to consider all recommenda- Constitution Committee

## ART. 9

tions submitted by National Officers, National Executive Board members or Local Unions. The committee may also write new amendments.

Credentials Committee

(c) The Credentials Committee will meet at least one week before the convention to examine all credentials received by National Office.

(i) They will investigate the standing of the delegates and their Local Unions. They will receive the original credentials of the delegates attending the convention and report at the opening of the convention.

protesting delegate election

(ii) The National Secretary-Treasurer must receive protests about delegate elections by the earlier date of not more than seven days after the election nor less than 10 days prior to the convention opening. The National Secretary-Treasurer will give the protests to the Credentials Committee. The committee may waive the deadlines in the interests of justice.

re-doing delegate elections

If the Credentials Committee decides that a delegate election has been improper and that the delegates should not be seated and the National President agrees, they may jointly order the election to be held again before the convention. A sub-committee of the Credentials Committee will supervise this election. All notices and time limits will be lifted, provided that every effort is made to give as much notice as possible.

(iii) If the convention approves the Credentials Committee's recommendation on the election, the delegates elected in the new election will be seated.

National to pay costs of new election if credentials report overturned

If the convention does not approve the committee's recommendation, the delegates elected in the original election will be seated and the National Union

will reimburse the Local Union for the costs of the second election.

(d) A Resolutions Committee of at least seven members will meet at least one week before the convention to consider resolutions referred to it. The committee may also write new resolutions. Resolutions Committee

(e) An Election Committee of 13 delegates will conduct the election of National Officers. On the first day of convention, the Credentials Committee will choose 13 delegates by lot from those attending the convention to serve as the committee. Delegates serving on any other convention committee will not be included in the draw. Election Committee

(f) The National Executive Board may choose any other committees it needs for the convention. These committees will meet at least two days before the convention. other convention committees

*Section 16*

(a) The National President will call a Special Convention of the National Union when instructed to do so by: Special Convention

- a two-thirds vote of the National Executive Board. If the President does not call the convention, the Board may name other Board members to do it. 2/3 NEB vote or
- or a majority referendum vote of the National Union members. majority members

Each Local Union will have the same total vote as it had at the preceding Constitutional Convention. vote for Special Convention

For a Special Convention, the National Secretary-Treasurer will issue the Call not less than 30 days before the convention. Special Convention Call

(b) When the National Executive Board has called the Special Convention, NEB called Special Convention

(i) the delegates will be the ones who

## ART. 9

delegates

were elected to be delegates to the preceding Constitutional Convention.

special delegates

(ii) If the Special Convention is for collective bargaining policies, the Local Union membership may decide that the Local Union President and Workplace Committee chair, if different, or unit chair will be special delegates. Special delegates have the right to speak but not to vote at the convention.

filling delegate vacancies

(iii) Delegate vacancies will be filled first by alternates, where they were elected to the preceding Constitutional Convention. Then, by re-apportioning the Local Union's votes among the delegates, with no delegate having more than eight votes (Article 9 Section 8).

If there are still not enough delegates and the Special Convention is for collective bargaining, vacancies will be filled by the Local Union's special delegates. The Local Union President is to precede the Workplace Committee Chair. If there are still vacancies, remaining delegates are to be elected in the same way as delegates to a Constitutional Convention (Section 13 c - e).

process for referendum

(c) (i) To call a Special Convention by referendum, at least 15 Local Unions from five municipalities representing at least 20 per cent of the National Union's members (based on preceding convention) must request the referendum in writing. They must state their reasons for wanting a Special Convention, name the place and date for the convention and the dates for mailing out and returning referendum ballots. The National President or the National Executive Board's designate will notify the Local Unions, giving the reasons and dates and place for the referendum. The reasons for and against having the Special Convention will be sent to all

**Local Unions.**

(ii) All Local Unions must hold a secret ballot on the referendum. Local Union election committees will count the ballots and send the result to the National Secretary-Treasurer.

secret ballot  
in all locals

The National Secretary-Treasurer, within 30 days of the deadline for the return of referendum results, will publish the “yes” and “no” vote of each Local Union in the Official Publication.

results  
published

A special convention must be held if a majority of all members voting in all Local Unions votes in favour.

must have  
convention if  
majority in  
favour

(iii) The number of votes for each Local Union and the election of delegates will be the same as for a Constitutional Convention except in applying Section 6 of this article. To determine the average number of monthly per capita taxes paid by a Local Union, a 24-month period ending with the fourth month before the month of the Special Convention will be used instead of 36 months.

vote and  
delegates for  
Special  
Convention  
ordered by  
referendum

(iv) A Special Convention called by referendum may consider only the matter stated in the Convention Call.

can consider  
only what’s  
in call

**ARTICLE 10  
Political Requirements of  
Union Officials**

National Officers, National Executive Board members, National Representatives and Local Union Officers are encouraged to participate in the political process at all levels of government by supporting parties or candidates who have policies compatible with the objectives of the union.

should  
participate in  
elections

## ARTICLE 11 Officers and Elections

### Section 1

NEB  
members

(a) The 17 National Executive Board members will be

- the National President (full-time)
- the National Secretary-Treasurer (full-time)
- the Quebec Director (full-time)
- three Trustees
- **one member-at-large**

All the above will be elected by the Constitutional Convention.

- the seven members of the CAW Council's Executive Board
- the President of the Quebec Council
- the President of the FFAW/CAW.
- the Chairperson of the National Retired Workers Advisory Executive

National  
Officers

(b) The National Officers will be

- the National President
- the National Secretary-Treasurer
- the Quebec Director
- the President of the CAW Council
- the President of the Quebec Council.

### Section 2

weighted  
secret ballot

(a) The Constitutional Convention will elect the National President, National Secretary-Treasurer, Quebec Director and three Trustees and **one member-at-large** by secret ballot. To win, the candidate must receive a majority of votes. Each delegate's ballot will be weighted to reflect the voting strength as set out in Article 9, Section 8.

majority to  
win

(b) In the election of National Presi-

dent, National Secretary-Treasurer or the Quebec Director, **one member-at-large**, if no one receives a majority on the first vote, there will be a second vote between the two candidates with the highest number of votes.

(c) When three Trustees are to be elected and fewer than three candidates receive a majority on the first vote, there will be a run-off among the candidates with the highest number of votes. The number of candidates in the run-off will be equal to twice the number of positions still vacant.

run-off  
if 2 spots left,  
4 highest  
run, if 1 spot  
left, 2 run

*Section 3*

To be eligible for election to the posts of National President, National Secretary-Treasurer, Quebec Director, Trustee or **member-at-large**, a member must have been in continuous good standing for one year before the nomination date.

member for  
one year to  
be eligible

*Section 4*

(a) No member is eligible for any position in the union if s/he participates in any way in any organized workplace rackets such as numbers, book making, drug trafficking, etc.

ineligible  
for illegal  
activity

(b) Anyone engaged in such activity who accepts a position or nomination is subject to a penalty up to and including expulsion.

subject to  
expulsion

(c) The member accused under (b) will be tried under Articles 22 or 23. If the member resigns from the position or withdraws her/his nomination, it is not necessary that the charges be dismissed.

withdrawal  
does not  
mean  
charges  
dropped

(d) If the member is convicted, the position is declared vacant.

position  
vacant if  
convicted

*Section 5*

(a) No member is eligible for any position in the union if s/he is trying to decertify the National Union or any

ineligible if  
working for  
decertification

## ART. 11

subordinate body or is helping a group or union that wants to replace CAW-Canada as the recognized collective bargaining agent.

NEB or President remove member from office or nomination

(b) If, after an investigation, the National President or the National Executive Board is convinced that a member has violated this section, either may immediately suspend the member from any position or the right to seek a position. They will notify the suspended member promptly. The member may, within 30 days of receiving the notice, appeal to the National Executive Board under Article 24. The suspension will be lifted automatically if the National Executive Board does not rule on the appeal within 120 days of the member beginning the appeal.

NEB must rule on appeal in 120 days

(c) If the member does not appeal, or if the National Executive Board upholds the suspension by a two-thirds vote, the position(s) will be declared vacant. The member will not be eligible to hold any position until the suspension is lifted by a two-thirds vote of the National Executive Board.

position vacant if decision upheld by 2/3 vote

further appeal

(d) The member may appeal the National Executive Board decision either to the Public Review Board or the Convention Appeals Committee.

more action possible

(e) The procedure in this section is in addition to any other action which may be taken against the member.

### *Section 6*

resuming office after conviction overturned

(a) A member who is removed from a position as a result of charges against her/him will resume the position under the following conditions:

- the conviction is reversed by an appeal, and
- the person waits to resume the position for 60 days after the reversal.

If the Public Review Board reviews the reversal and upholds the decision, the person need not wait 60 days to resume the position.

(b) If a member convicted of an offence and removed from an elected position is appealing, or the National Executive Board has ordered a review, the vacancy may be filled in the normal way. But if the member is restored to the position, the new person must vacate.

filling an elected vacancy caused by a conviction

(c) A member in an appointed position does not automatically resume the position if acquitted or if the conviction is reversed.

resuming appointed position not automatic

*Section 7*

**(a) A retired member is not eligible to run for national officer or national executive board member.**

ineligible if over 65

(b) No one age 65 or older is eligible to be a National Officer, Local Union Officer, National Executive Board member or National Representative. This does not apply where the law prohibits mandatory retirement at age 65 or older or to the Chairperson of the National Retired Workers Advisory Executive.

*Section 8*

National Union Officers will take the oath of office and be installed immediately after they are elected. The oath is the same as the one for Local Union Officers.

National Officers' oath of office

*Section 9*

(a) The term of office for National Executive Board members elected at convention starts at their installation and continues up to and including the next Constitutional Convention.

term of office

(b) The term of office for other National Executive Board members is determined by the bylaws of the body that

## ART. 11-12

elects them.

(c) No term can be longer than three years.

### *Section 10*

filling  
vacancies  
National  
President or  
Secretary-  
Treasurer

(a) If the National President or National Secretary-Treasurer dies, resigns, or is removed from office, the National Executive must call a Special Convention within 30 days to elect a new one. The office remains vacant if the vacancy occurs in the 120 days before a Constitutional Convention.

NEB elects  
Quebec  
Director or  
trustee

(b) If the Quebec Director or a Trustee dies, resigns or is removed from office, the National Executive Board may, by majority vote, elect a replacement.

## ARTICLE 12 Salaries

### *Section 1*

full-time  
officer  
salaries

(a) Yearly salaries for full-time National Officers, paid biweekly, are

President	<b>\$131,109.68</b>
Secretary-Treasurer	<b>\$119,917.46</b>
Quebec Director	<b>\$112,524.88</b>

not be a  
subordinate  
body officer  
after 90 days

(b) The National President, National Secretary-Treasurer and Quebec Director will give their full time to their duties. They must not be an officer of any subordinate body for more than 90 days after their election as a National Officer.

### *Section 2*

representative  
salaries

The yearly salary for a National Representative is **\$98,918.04**, paid biweekly. The National Executive Board will set the salaries of National Representatives acting as professionals or department heads.

*Section 3*

(a) The salaries of the National President, National Secretary-Treasurer, and Quebec Director will be increased by three percent **plus fourteen cents per hour on December 1, 2002, three percent on November 30, 2003 and two percent on November 28, 2004.**

increases  
full-time  
officers

(b) The salaries of the National Representatives will be increased by three percent **plus fourteen cents per hour on December 1, 2002, three percent on November 30, 2003 and two percent on November 28, 2004.**

increases  
National reps

(c) In addition, the salaries may be adjusted quarterly for changes in the cost of living based on the formula developed by the National Executive Board.

cost of living

*Section 4*

National Executive Board members who are not full-time officers of the National Union will receive a monthly honorarium of \$500.

NEB  
honourarium

*Section 5*

The National Executive Board will set the amounts of expenses and allowances for the National Officers, Executive Board members and Representatives to use in performing their duties.

expenses

*Section 6*

Full-time National Officers and Representatives will receive fringe benefits as approved by the National Executive Board.

benefits

*Section 7*

The National Executive Board will set the salary, expenses and allowances to be paid any member, including a temporary organizer, performing services for the National Union. The amount will not be more than that for National Representatives except if the mem-

pay for mem-  
ber doing  
services for  
union

## ART. 12-13

ber's lost time would be greater than a National Representative's salary.

### *Section 8*

moving expenses

When first elected and at the end of their term, the National President, Secretary-Treasurer and Quebec Director are entitled to travelling and moving expenses for themselves and their families.

### *Section 9*

if full-time, cannot hold another paid position

No one who has a paid, full-time job in the union can hold any other paid position in the union.

## ARTICLE 13 Duties of the National Executive Board

### *Section 1*

authority between conventions  
authorizes strikes  
issues charters

The National Executive Board is the highest authority of the National Union between conventions. It carries out the instructions of the convention. It has the power to authorize strikes, issue charters, and take action against a subordinate body that violates the constitution.

### *Section 2*

President generally directs NEB members

A National Executive Board member serves under the general direction of the National President, subject to the decisions of the National Executive Board.

### *Section 3*

meets quarterly

(a) The National Executive Board will meet three times a year and hold special meetings as needed.

decision by majority

(b) The National Executive Board will make decisions by majority vote. Each member has one vote.

majority to adjourn NEB

(c) Only a majority of the National Executive Board can adjourn a board meeting.

*Section 4*

Three National Executive Board members may submit a written request to the National Secretary-Treasurer for a Special Board Meeting. Within 48 hours of receiving the request, the Secretary-Treasurer will poll the National Executive Board members. If a majority votes in favour, the President will convene the board within five days. If the President fails to do it, the Secretary-Treasurer or a board member assigned to do it by the National Executive Board will arrange the meeting.

special NEB meeting

*Section 5*

(a) A quorum of the National Executive Board will be two-thirds of its members.

quorum is 2/3 NEB members

(b) If the National President calls a special National Executive Board meeting, under Sections 8 or 9 of this article or Article 24, Sections 8 or 11, to protect the interests of a subordinate body or a group of members, a special quorum may act on the matter.

special NEB quorum

(i) This special quorum must be not less than five National Executive Board members, including at least two National Officers. Any action requires the vote of three-quarters of those present. The decision will be binding until the last day of the next National Executive Board meeting.

special quorum decisions by 75%

(ii) All proceedings of the special meeting will be reported to the next regular National Executive Board meeting. The National Executive Board will review any decisions, actions or penalties imposed by the special meeting and confirm them.

proceedings reported to next NEB meeting for confirmation

## ART. 13

protester to a special quorum decision has right to be heard in person

A member or subordinate body disagreeing with the actions of the special board meeting may file a protest with the National Executive Board and has the right to be heard in person by the Board.

appeal still in effect

(iii) A member or subordinate body has the right to appeal the decision of the special meeting or the regular Board meeting (Article 24 Sections 9-10) even if s/he did not protest the special meeting decision to the full National Executive Board.

### *Section 6*

verbatim minutes

(a) Verbatim minutes will be taken at National Executive Board meetings. The minutes will be transcribed immediately and sent to National Executive Board members. Any member in good standing may inspect a copy of the minutes at the offices of the National Secretary-Treasurer or National Executive Board members.

exception by 7/8 vote

(b) There will be an exception when, by a seven-eighths vote, the board decides it is in the best interest of the National Union to have an informal discussion. The board will take no minutes or formal action during this discussion.

### *Section 7*

change decisions made by National Officer, NEB member or rep

The National Executive Board may rescind, reverse or repeal any action of any National Officer, Executive Board member or Representative.

### *Section 8*

reorganize subordinate body

If conditions inside a subordinate body threaten its existence, the National Executive Board may reorganize it by ordering a special election. The election will be held within 30 days after mailing notice to the subordinate body's members. Not more than one special election can be held within one

year in the same subordinate body.

The elected officers will continue in office until the special election. They may run for re-election.

The National Executive Board may have two representatives work with the Local Union Election Committee.

This section also applies to units of Amalgamated Local Unions.

*Section 9*

(a) The National Executive Board may reorganize or disband a subordinate body, take back its charter, suspend officer(s) or supervise its affairs under these conditions:

disband,  
supervise  
subordinate  
body

- to prevent or correct corruption
- to fulfill the union’s duties under a collective agreement or as a bargaining agent
- to restore democracy
- to make sure the legitimate goals of the union are carried out.

To take action, the National Executive Board must conduct a hearing and two-thirds of the National Executive Board members must agree.

(b) The National Executive Board will designate a full-time National Officer to be the administrator with complete authority over the subordinate body. S/he may suspend local officers and may use staff to help supervise local affairs.

full-time  
officer  
become  
administrator

(c) Where officers are suspended, new elections will take place within 60 days. If circumstances require it, the National Executive Board may extend the period for no more than 120 additional days. The administrator is responsible for conducting the election. After the election, the subordinate body will regain its autonomy.

election to  
replace officers  
in 60 days  
  
may extend  
by 120 days if  
needed

## ART. 13

(d) Procedures in this section will apply to units of Amalgamated Local Unions where appropriate.

### *Section 10*

repeal  
bylaws

The National Executive Board will repeal bylaws of any subordinate body that do not conform to this constitution.

### *Section 11*

amend con-  
stitution to  
comply with  
law or be  
accepted as  
a union

Following the Founding Convention the National Executive Board shall be empowered by a majority vote of its members to amend this constitution in respect to any matter in order and for the purpose of complying with any legal requirements relating to the acceptance of this constitution and the union's status in law as a trade union and bargaining agent by any labour tribunal, court, or other legal authority or as advised by legal counsel to be required by law.

### *Section 12*

constitutional  
interpretations

Between conventions, the National Executive Board will rule on all appeals about constitutional interpretations that are brought to it by a member or subordinate body. The board may also consider a decision on an interpretation made by the National President.

### *Section 13*

handle  
appeals

The National Executive Board will rule on appeals against decisions made by subordinate bodies.

### *Section 14*

work with  
outside  
organizations

The National Executive Board may do whatever is needed to work with outside organizations to further the union's objectives.

### *Section 15*

settle  
disputes

The National Executive Board has the power to settle disputes between em-

employers and employees, to make contracts with employers and to settle jurisdictional disputes between Local Unions.

*Section 16*

By two-thirds vote, the National Executive Board may create more departments to carry out the business of the National Union. It may hire professional specialists who are not union members if none are available within the membership.

create departments

*Section 17*

The National Executive Board may set up an administrative body to handle members' appeals about settling grievances arising from collective agreements. The decisions of such a body may be appealed to the National Executive Board under Article 24 Section 8.

body to handle appeals on grievances

decisions appealed under Art. 24

*Section 18*

(a) The National Executive Board will manage and use the National Union's funds for the objectives set out in this constitution and other purposes it believes will further the welfare of the members.

manage funds

(b) The National Executive Board will report on the National Union's activities and its finances to every Local Union.

report to Local Unions

*Section 19*

The National Executive Board will give financial help, in keeping with the union's resources and responsibilities, to members on an authorized strike.

help in a strike

*Section 20*

The National Executive Board may use funds to help Local Unions where they do not have enough money for neces-

help locals unable to pay expenses

## ART. 13-14

sary expenses. The itemized expenses must be submitted to the National Executive Board.

### *Section 21*

approve salaries, expenses

The National Executive Board will approve the salaries, expenses, allowances and benefits for other employees of the National Union.

### *Section 22*

bonds

The National Executive Board will decide how and for how much the Local Unions' financial officers and presidents will be bonded.

### *Executive Board Trustees*

### *Section 23*

keep all funds and property safe

The National Trustees have a duty to safeguard all funds and property of the National Union. They will choose a Chartered Accountant and see that the books and accounts of the National Secretary-Treasurer are audited twice a year. They will include the audited statement in their report to the National Officers, Executive Board members and Local Unions as soon as it is done. The Trustees will report twice a year to the National Executive Board and to the Constitutional Convention. They will make recommendations to improve the handling of the National Union's finances and for safeguarding its assets.

audit twice a year

## ARTICLE 14 DUTIES OF FULL-TIME NATIONAL OFFICERS

### **National President**

### *Section 1*

presides at meetings

The National President will preside at all sessions of the Constitutional Convention and the National Executive Board. The National President will

work to protect and advance the interests of the National Union. S/he will report on her/his activities to the Constitutional Convention. advances interests of union reports to convention

*Section 2*

Between sessions of the National Executive Board, the National President has full authority to direct the working of this union. The National President will report on her/his activities to the quarterly meetings of the National Executive Board. All her/his actions will be subject to approval of the board. authority between NEB meetings

reports to NEB

*Section 3*

The National President will devote all her/his time to the work of the National Union. S/he will carry out the instructions of the National Executive Board and supervise the departments of the National Union. carries out NEB instructions

*Section 4*

The National President will convene regular and special sessions of the National Executive Board. convene NEB

*Section 5*

The National President will rule on all disputes, including constitutional interpretations, except where a specific method is outlined in this constitution. rule on disputes and constitutional interpretations

All her/his decisions are subject to appeal, first to the National Executive Board and then to the Constitutional Convention. Written notice of an appeal must be filed with the National Secretary-Treasurer and the National President within 30 days of the decision. appeal decision in 30 days

*Section 6*

As set out in the constitution or voted by the National Executive Board, the National President will assign any elected full-time officer to represent or assign full-time officer

## ART. 14

direct the workings of the National Union.

### *Section 7*

may withdraw assignment

The National President may withdraw an assignment from any elected officer or National Executive Board member when s/he is convinced the officer has been derelict in her/his duty or is guilty of a dishonest act. Such withdrawal of assignment will not suspend the person's vote or pay.

appealing the withdrawal

A person whose assignment is withdrawn may convene a special National Executive Board meeting (Art. 13 Sec. 4). If the board upholds the original assignment, the National President cannot suspend it again.

### *Section 8*

call special meetings subordinate bodies

After proper notification or consultation with officers of subordinate bodies involved, the National President may call special meetings of Councils or Local Unions to protect the interests of their members.

may delegate this duty

The National President may delegate this duty to a National Officer, National Executive Board member or National Representative.

### *Section 9*

fee dispensations

The National President, with the approval of the National Executive Board, may give Local Unions or units dispensations for initiation fees, per capita tax or Strike Insurance Fund dues if it will add to the growth of or conserve the Union's interests.

### *Section 10*

appoint and remove Representatives or temporary organizers

(a) Subject to the approval of the National Executive Board, the National President may appoint National Representatives or temporary organizers. The National President may remove

any Representative who is derelict in performing any duty or is guilty of any dishonest act, or to conserve the finances of this National Union. This must be approved at the next National Executive Board meeting.

(b) After submitting recommendations to the National Executive Board, the National President may hire legal, technical or professional help as needed. hire professionals

(c) The National President may fill vacancies in the National Office staff. fill vacancies

*Section 11*

During her/his term, the National President will live in the area of the National Union headquarters. live near National Office

*Section 12*

(a) To conduct the affairs of the National Union and in keeping with its objectives, the National President or National Secretary-Treasurer has the authority to sign, administer and enforce any contract between the National Union and another party. This does not apply to collective bargaining. sign contracts other than in bargaining

(b) The National President or National Secretary-Treasurer may delegate this authority in writing to a National Representative. Unless the officer revokes it, the authority will be good for the remainder of the officer's term. may delegate

**National Secretary-Treasurer**

*Section 13*

The National Secretary-Treasurer will attend all sessions of the Constitutional Convention and National Executive Board. S/he will ensure the proceedings are recorded. records proceedings NEB and conventions

*Section 14*

(a) The National Secretary-Treasurer will be responsible for keeping all fi- keeps all records

## ART. 14

financial records, documents, and effects of the National Office, except those belonging to the Office of the National President.

keeps record of members

(b) The National Secretary-Treasurer will keep a complete record of the membership of the National Union.

### *Section 15*

custodian of funds

The National Secretary-Treasurer will be the custodian of the National Union's funds.

invest money not needed to pay current bills

(a) S/he will keep enough money in responsible bank(s) to meet current obligations and invest the remainder according to procedures and standards set by the National Executive Board.

issues receipts, pays bills

(b) The National Secretary-Treasurer will issue receipts for all money paid to the National Union and pay all bills and current expenses, unless otherwise ordered by the National Executive Board. Everything will be paid by cheque, countersigned by the National President.

cheques countersigned by President

financial statements to NEB

(c) The National Secretary-Treasurer will submit to the National Executive Board a detailed statement of receipts and disbursements of all money belonging to the National Union and details of the expenses of each officer, National Executive Board member and employee.

bond

(d) The National Secretary-Treasurer will give a bond, the amount set by the National Executive Board and paid for by the National Union, to ensure faithful discharge of her/his duties.

### *Section 16*

tells Local Union of failure to pay

When a Local Union fails to report and pay its per capita tax, the National Secretary-Treasurer will notify the Local Union President and Trustees.

*Section 17*

- (a) The National Union's seal carries the union's official name. union seal
- (b) The National Secretary-Treasurer will hold the National Union's seal in trust for the use of the membership. S/he will take the steps necessary to prevent the wrongful use or imitation of the seal or of the National Union's name. The National Secretary-Treasurer will also register or copyright the seal, name, label, insignia and any other property of the National Union. keeps seal and protects use of name and label

**Quebec Director***Section 18*

The Quebec Director, who must be a resident of Quebec, will supervise all organizational activities within Quebec. supervise within Quebec

*Section 19*

The Quebec Director will attend Quebec Council meetings and work in cooperation with it. attends Quebec Council

*Section 20*

The Quebec Director will examine all Quebec contracts and submit them to the National President with her/his recommendation, negotiate disputes with bargaining committees, work for good labour legislation and for the general welfare of the members. examine Quebec contracts negotiate disputes work for members welfare

*Section 21*

- (a) The Quebec Director will submit quarterly reports on organizational activity within Quebec to the National President and to the quarterly meeting of the National Executive Board for its approval. reports quarterly to National President and NEB
- (b) The National Executive Board or the National President may assign the Quebec Director to activities outside Quebec. may be assigned outside Quebec

## ART. 14-15

### *Section 22*

application  
for certifica-  
tion in Que-  
bec

The Quebec Director, with the National President, the National Secretary-Treasurer, or the President of the Quebec Council, may authorize the filing of an application for certification on behalf of the National Union under the Quebec Labour Code. Then they will report to the National Executive Board.

## ARTICLE 15

### National Representatives

#### *Section 1*

signed by  
President,  
counter-  
signed by  
Sec-Treas.

The National President must approve and sign appointments of National Representatives or temporary organizers. They will be countersigned by the National Secretary-Treasurer and be subject to the approval of the National Executive Board.

#### *Section 2*

report to full-  
time officer

National Representatives and temporary organizers work under the jurisdiction of the National President and under the direct supervision of the National full-time officer to whom they are assigned.

#### *Section 3*

must be  
member

A National Representative must be a member in continuous good standing of the National Union for one year prior to his/her appointment. Temporary or part-time organizers must be CAW-Canada members but need not have been in continuous good standing for one year.

#### *Section 4*

rep not eligi-  
ble for Local  
Union office,  
is eligible to  
run for na-  
tional office

A National Representative or temporary organizer is not eligible to be a candidate for, or to hold, any elected office in a Local Union. S/he is eligible to be a candidate for an elected office in the National Union.

But, an elected official may be appointed to act as a part-time National Representative or temporary organizer for parts of the day, or for full days not to exceed 180 days in a calendar year. elected officer may be part-time rep

*Section 5*

A National Representative may run for a position in a Local Union if s/he leaves the National Union staff at least 180 calendar days before the month of the election. must have left staff 180 days before election month

**ARTICLE 16**

**Fiscal Year**

The fiscal year of the National Union begins on the first day of January and ends on the 31st day of December. Jan. 1 to Dec. 31

**ARTICLE 17**

**Initiation Fees and Dues**

*Section 1*

(a) The initiation fee for membership in a Local Union will be between \$10 and \$20. The Local will set aside \$5 of the fee in a new member orientation fund, to be spent with the approval of the National President. initiation \$10-\$20 \$5 to new member orientation fund

(b) A Local Union may increase its initiation fee within the above limits (a) and the procedures of Article 43, Sections 1 and 2. increasing fee

(c) One dollar of each initiation fee must be sent to the National Secretary-Treasurer. \$1 to National

*Section 2*

(a) All dues are payable during the current month to the Financial Secretary of the Local Union. Members of a Local Union, unit or bargaining council may vote to have their employer deduct their dues weekly or biweekly (dues check-off). This requires the Na- dues check-off

## ART. 17

2 hours 20  
minutes  
straight time  
or

1 hour 10  
minutes  
straight time

for most  
members

where earn-  
ings vary

half hour to  
Skilled  
Trades  
Council

Local or  
unit may set  
higher dues  
higher dues  
rise by same  
amount as  
minimum

tional President's approval.

(b) Effective January, 2002 minimum monthly dues will be equivalent to two hours 20 minutes straight time pay for all members who work 40 hours or more in a month. For those members who work less than 40 hours in a month the minimum monthly dues will be equivalent to one hour and 10 minutes straight time pay.

(i) For members paid by the hour, day, week or month, dues are based on the amount earned per straight-time hour in the last payroll period worked before the dues are payable. It includes cost-of-living allowance and any other amounts normally considered to be part of regular pay. It excludes shift premium.

(ii) For members whose earnings vary, dues are based on the average earned per hour in the last month the member worked. It includes incentive earnings, cost-of-living allowance, clock hour add-ons and any other amounts normally considered to be part of the regular pay. It excludes shift premium, overtime premium, Saturday, Sunday and holiday premiums.

(c) In addition to regular dues, a skilled trades member, working in a skilled trades classification under the CAW Skilled Trades Program, will pay annual dues equivalent to one-half hour to the Canadian Skilled Trades Council.

(d) A Local Union or unit may, following the provisions in Article 43, set dues higher than those in this article. Where these higher dues exist, they will rise automatically by the same amount and at the same time as the minimum dues and will continue until the Local Union or unit, under Article

43, changes them.

(e) All members must pay their dues except in specific cases described in Article 14 Section 9 or Section 4 of this article.

pay dues

*Section 3*

(a) If needed for collective bargaining and approved by the National Executive Board, a Local Union, or a Corporation Council and its affiliates, may double its dues in each of four months preceding the end of the old contract, or following the ratification of a new one.

double dues for 4 months

(b) The Local Union must place half the doubled monthly dues in trust, until the National Executive Board decides whether the additional dues will be applied to future dues or refunded to each member.

half double dues in trust

*Section 4*

At the request of a Local Union or unit, the National Executive Board may make special arrangements about the dues schedules.

Locals may ask NEB to adjust dues

*Section 5*

(a) A member automatically becomes delinquent if s/he does not pay dues during the calendar month when they are due.

delinquent if no dues paid

(b) Local Unions may notify members that they are delinquent. Even if the Local Union fails to notify the member, s/he is still suspended except where the company has failed to pay checked-off dues.

notification

(c) Where a member has signed a Dues Check-Off Authorization Card authorizing the company to deduct dues, the member shall be considered to have paid dues for that month even if the company fails to deduct them or fails to pay them to the Local Union.

company failing to pay does not make member delinquent

## ART. 17

Local tells member to pay

(d) When a company fails to deduct dues, the Local Union's Financial Secretary must notify the member. The member must pay the dues within 30 days. If the Financial Secretary fails to notify the member, s/he is considered to be in good standing.

while in another local's jurisdiction

(e) Members suspended as a result of their failure to pay dues while employed in a workplace under the jurisdiction of another Local Union fall under Article 18 Section 4.

### Section 6

reinstatement fee

A member suspended for not paying dues may reinstate her/himself by paying a fee. The Local Union will set a uniform reinstatement fee that is

- at least as much as its regular initiation fee, plus
- the dues for each delinquent month up to the date of automatic suspension or the date of reinstatement, plus
- the current month's dues.

\$1 to national

One dollar of each reinstatement fee is sent to the National Secretary-Treasurer.

### Section 7

exempt from dues

(a) A member is **considered to be in good standing** and does not have to pay dues if during a calendar month s/he did not work and did not receive benefits in lieu of work.

normal work week definition: a work week is the number of straight-time hours a person works during one week, as outlined in the workplace contract

(b) Benefits in lieu of work include Supplemental Unemployment Benefits or an equivalent lay-off benefit, vacation pay, holiday pay, jury duty pay, bereavement pay and paid absence allowance. They do not include pension benefits, sick and accident benefits, or Workers' Compensation **or in the case of a workplace closure severance pay.**

benefits in lieu of work

(c) If, within a calendar month, a mem-

ber receives Supplemental Unemployment Benefits or equivalent of at least 50 per cent of her/his gross pay for a normal work week less statutory deductions, then the member's dues will be one hour straight-time pay.

dues for members getting benefits

**(d) To remain in good standing or receive an honourable withdrawal transfer card** the member will report immediately to the Local Union's Financial Secretary any other employment s/he may get during the layoff, absence, or discharge.

return or new job

A member not covered by check-off will notify the Financial Secretary of a return to work.

*Section 8*

(a) A member remains in good standing without paying dues for the **period** of a layoff or leave **only for as long as s/he has recall rights as provided for in their respective collective agreement provided s/he** follows the procedures set out above and does not get an honourable withdrawal transfer card.

Member in good standing

**At the end of the period described in the above sections of this article,** the Local Union's records will automatically note that the member was issued an honourable withdrawal transfer card.

**(b) Any member whose workplace closes shall automatically be considered to have been issued an honourable withdrawal transfer card. Any member who receives severance pay as a result of a workplace closure is also considered to have been issued an honourable withdrawal transfer card.**

honourable withdrawal with workplace closure

**(c) The exception to section 8 (b) above shall be, if a member is a full time officer of the Local Union and as**

exceptions for full time officers

## ART. 17

such pays dues to the Local Union. In such cases S/he shall be considered a member in good standing only for as long as s/he remains a fulltime Officer of the Local Union. S/he shall then be issued an honourable withdrawal transfer card.

### *Section 9*

ill members  
get out-of-  
work credits

Any member becoming out-of-work because of illness or injury **remains in good standing for the period of illness or injury**. The member must provide proof of illness or injury. This does not apply to employees who receive salaries equivalent to 40 hours' pay (one work week) within a calendar month.

### *Section 10*

refund of  
dues

A member is entitled to a refund if s/he has paid dues by check-off for a month for which s/he is exempt. The member must claim the refund in person or in writing from the Local Union's Financial Secretary within two months after the month when the payment was made. An exempted member who has paid dues in advance other than by check-off will be given credit for future dues when s/he returns to work.

### *Section 11*

receipts

(a) The Local Union will use a receipt book or register and an official receipt furnished by the National Union. All receipts are to be made out in duplicate, the original going to the member. The Local Union will keep the duplicate and make it available to the National Union. The National Secretary-Treasurer may order that the duplicates be destroyed when they are no longer needed.

cheque stubs

(b) This does not apply to Local

Unions covered by check-off arrangements, if the company clearly shows on each cheque stub or pay envelope the amount of the deduction and the reason for it.

### *Section 12*

From each monthly dues payment, Local Unions will set aside funds to carry out programs set by National Union policy:

dues set  
aside for  
specific funds

- 10 cents for a Political Education Fund to encourage members to participate in political life to strengthen democracy
- 10 cents for a fund for educational programs
- two cents as a fund for leisure activities
- one cent for a Retired Workers Fund for programs that benefit retired workers, in conjunction with existing community groups
- two cents for a Women's Committee Fund for activities that advance the issues of women in the union and community
- two cents for a Human Rights Fund to support human rights issues in the union and community.

### *Section 13*

(a) Each Local Union will keep 41 per cent of the member's dues and send 59 per cent to the National Secretary-Treasurer as the per capita tax. The National Secretary-Treasurer will allocate the per capita tax as follows: 36 per cent to the National Union general fund, three per cent to the National Union Education Fund, two percent to the Organizing Fund and 18 per cent to the National Union Strike Insurance Fund, for a total of 59 per cent.

59% per cent  
to National

## ART. 17

if strike fund  
over \$50  
million

This takes effect January 1, 1998.

(b) If the Strike Fund has had more than \$50 million for more than three months, dues income will be distributed as follows. Local unions will get 43 per cent, the National Union general fund 38 per cent, the National Union Strike Insurance Fund 12 per cent, the National Union Special Mobilizing Fund two per cent, the Organizing Fund two percent, and the National Union Education Fund three percent.

(i) Effective January 2001, and for a period of one year, 4 percent will be reallocated from the National Union Strike Insurance Fund to the Local Unions.

(ii) Effective January 2002, if the Strike Fund has had more than \$50 million for more than three months, dues income will be distributed as follows. Local Unions will get 43 percent, the National Union General Fund 40 percent, the National Strike Insurance Fund 10 percent, the National Union Special Mobilizing Fund two percent, the Organizing Fund two percent, and the National Education fund three percent.

if strike fund  
goes below  
\$45 million

(c) If the Strike Fund falls below \$45 million in any month, income will again be distributed as set out in (a) until the amount in the Strike Fund again has \$50 million for more than three months.

ownership of  
income

### *Section 14*

The National Union and each Local Union each hold title to their respective share of dues and initiation fees as soon as they are received by the Financial Secretary of the Local Union.

National  
money due  
every month

### *Section 15*

Local Unions must send all the money due the National Union to the Nation-

al Secretary-Treasurer by the twentieth of the month following collection. The Local Union cannot use any part of this money without the permission of the National Executive Board.

*Section 16*

(a) A Local Union that does not pay all per capita tax due the National Union within two months is automatically suspended until it pays what it owes plus interest. Local suspended for non-payment

(b) A Local Union that does not pay all it owes to the National Union loses its voice and vote at convention. no voice or vote

*Section 17*

From each member's monthly per capita tax, the National Union will set aside:

- five cents for the National Union Communications Department to promote initiatives to inform the membership/general public about the Union's policies, goals, campaigns and issues. 5¢ Communications
- five cents to the Human Rights Fund to support and promote the National Union's activities that oppose all forms of discrimination 5¢ human rights
- one cent as the National Union Recreation Fund to promote recreation-leisure time programs 1¢ recreation
- five cents to the Political Education Fund to be used to strengthen democracy by encouraging members and citizens to participate and vote in municipal, provincial, and federal elections and to run organizational and educational programs to make people aware of the need for active participation in a free and democratic society 5¢ political education

## ART. 17

1¢ retired workers

- one cent for the National Union Retired Workers fund used to promote and support programs benefiting retired members and to finance the operation of the National Union Retired Workers Department

1¢ international affairs

- one cent into an International Affairs Fund to promote activities improving the well-being of workers and trade unions throughout the world

5¢ women

- five cents for the National Women's Fund to support programs that benefit female members.

### *Section 18*

how strike funds can be spent

(a) The National Union will put all Strike Insurance Fund dues from Local Unions into the National Strike Insurance Fund. This fund will be used only for

- aiding Local Unions engaged in authorized strikes or lockouts
- donating or loaning money to other National Unions and non-affiliated Local Unions in strikes or lockouts
- meeting financial obligations incurred by the National Union or Local Unions as a result of authorized strikes or lockouts. In this case the expense must be approved by a two-thirds vote of the National Executive Board.

maximum 50% earnings on strike fund go to another purpose

(b) The interest and dividends received by the National Strike Insurance Fund may be set aside as the Organization, Education and Communication Fund. If the National Strike Insurance Fund falls below \$45 million, not more than 50 per cent of this inter-

est and dividends may be set aside.

(c) At least once a month, the National Secretary-Treasurer will tell Local Unions the exact Strike Fund balance.

monthly report on balance to locals

(d) The National Executive Board may arrange loans from Local Unions and other sources to supplement the Strike Fund when needed. It may use any or all of the National Union's real or personal property to secure the loan(s).

NEB may borrow for strike fund

(e) The National Executive Board will set up a program for strike relief to help members actively participating in an authorized strike or lockout.

program for strike relief

*Section 19*

(a) The approximate proportion of dues spent for political purposes will be determined by the National Executive Board.

NEB decides amount for political activity

(b) A member has the right to object to part of her/his dues being spent on political activities. The member may object by notifying the National Secretary-Treasurer by registered mail. The objection must be made during the first 14 days of Union membership or during the 14 days following each anniversary of union membership.

14 days to object

(c) If an objecting member is dissatisfied with the allocation made by the National Executive Board or the disposition of her/his objection by the National Secretary-Treasurer, s/he may appeal directly to the National Executive Board. If not satisfied with the board's ruling, the member may appeal to the Public Review Board or Convention Appeals Committee.

appeal to NEB

## ARTICLE 18

### Honourable Withdrawal Transfer Cards

#### Section 1

entitled to card if paid up and no charges

Members are entitled to an honourable withdrawal transfer card if

- their dues are paid up to and including the current month, or
- they owe no money to the Local Union, and
- there are no charges against them.

#### Section 2

some members need permission or subject to expulsion

To be entitled to an honourable withdrawal transfer card, the following members must get permission when they are offered certain positions, or they will be subject to expulsion.

local officers need permission from local before accepting management position  
NEB members, national reps, employees need NEB permission before accepting management personnel job

- A Local Union Officer or workplace representative who is offered a management position must get permission from her/his Local Union.
- A National Officer, National Executive Board member, National Representative or full-time employee of the National Union who is offered a management personnel or labour relations position must get permission from the National Executive Board.

#### Section 3

member leaving jurisdiction takes withdrawal card or pays dues

A laid-off member who is regularly employed outside the National Union's jurisdiction will take an honourable withdrawal transfer card. Or, to remain in good standing, the member will pay dues to the Local Union. The Local Union will issue a withdrawal card immediately to any member who has voluntarily left the jurisdiction of CAW-Canada.

This does not apply to members who work for or officially represent CAW-Canada.

*Section 4*

(a) A member in good standing who leaves the Local Union’s jurisdiction gains membership in another CAW-Canada Local Union by:

- Obtaining an honourable withdrawal transfer card and giving it immediately to the other CAW-Canada Local Union. Failure to deposit the card within one calendar month and to pay any accumulated dues will result in termination of the card.

or

- Paying an initiation fee and dues to the other CAW-Canada Local Union. The member’s good standing will start with the date of the payment.

(b) This does not apply to members holding a Local Union office who involuntarily left their Local’s jurisdiction. However, while in office, the member is not eligible to hold office or be a delegate to a National Convention from any other Local Union.

*Section 5*

When a member moves to a workplace in another local’s jurisdiction as the result of transfer of operations or a collective bargaining agreement, s/he will be considered to be in continuous good standing in the new Local Union.

*Section 6*

The National Union has arranged with several other unions to honour each other’s transfer cards. A member transferring from one of these unions will deposit her/his transfer card or

transferring membership by giving card to new local  
definition calendar month: month as defined by calendar, e.g. May 15 to June 15 is a calendar month, as is Feb. 1 to March 1.  
paying initiation fees and dues to new local

does not apply to local officers

continues in good standing if work transferred to another local’s jurisdiction

transfer rights from some other unions without paying

## ART. 18

initiation fee  
if done with-  
in 30 days

evidence and be admitted into the National Union without paying an initiation fee. S/he must do this by the end of the first month in which s/he worked a normal work week. Failure to meet the deadline and pay accumulated dues will result in the termination of transfer rights, requiring the person to pay an initiation fee.

### *Section 7*

laid-off  
member who  
transfers then  
returns with-  
in a year still  
in good  
standing

A member who is laid off, then transfers to another CAW-Canada Local Union and then returns to the original Local Union within one year of the layoff, is considered to have been in continuous good standing, as it relates to being eligible to seek election.

### *Section 8*

no duplicate  
dues for  
member  
transferring

A member transferring to another Local Union who has paid current dues or dues in advance does not have to pay duplicate dues. The Local Union that received the advance dues will give them to the new Local Union or refund them to the member.

### *Section 9*

replacing lost  
card for \$1

A member who loses an honourable withdrawal transfer card may get a replacement by applying to the Local Union Financial Secretary that issued the original. The Financial Secretary will investigate the circumstances and issue a replacement for \$1.

### *Section 10*

local or na-  
tional officer  
may termi-  
nate card

The Local Union issuing them or National Officers may terminate honourable withdrawal transfer cards for good reasons.

### *Section 11*

can be  
charged for  
acts commit-

After a person deposits her/his card and resumes membership, s/he is subject to charges for any detrimental acts

committed while s/he was out of the union on honourable withdrawal transfer card.

ted while temporarily out of union

*Section 12*

The National Secretary-Treasurer will supply Local Unions with pads of duplicate honourable withdrawal transfer cards at cost.

National supplies cards at cost

**ARTICLE 19**

**Contracts and Negotiations**

*Section 1*

(a) It is National Union policy to recognize that the spirit, intent and terms of all contractual relations between the National Union, Local Unions, subordinate bodies and employers are binding. Each Local Union and subordinate body must carry out the provisions of its contracts.

no one has authority to breach a contract

(b) No National or Local union officer, member or representative has the authority to encourage, start, take part in or approve any action that is a breach of any contract entered into by the National Union, subordinate body, or a Local Union.

Locals must carry out provisions of their contracts

*Section 2*

When a National Union Officer or representative is participating in negotiations to resolve a conflict between a Local Union and management, a committee selected by the Local Union will participate in all conferences and negotiations. A National officer or representative will only participate at the Local's request.

local committee participates in all negotiations

*Section 3*

(a) Before negotiating a contract or supplement with any employer, the Local or National Officer or Representative must have the approval of the

local approval before negotiating, members vote on proposed contract, contract goes to NEB for approval

## ART. 19

Local Union. After negotiations are concluded, the proposed contract or supplement must be ratified by the members of the Local Union or unit. The vote will take place at a meeting called for that purpose or through some other procedure, approved by the National President, that will allow for the fullest participation by members. The proposed contract or supplement must be approved by a majority of those voting.

apply to NEB  
for voting by  
groups

(b) A Local Union or unit may apply to the National Executive Board for a voting procedure where apprenticeable skilled trades and related workers, production workers, office workers, engineers, and technicians vote in separate groups on the matters which relate exclusively to their group and at the same time, vote also on common matters in the contract.

skilled workers demands to be submitted to Skilled Trades before employers

(c) Before Local Unions or units submit demands affecting skilled workers to the employer, they must submit them to the Skilled Trades Department. This is to work toward industry-wide standards for agreements on wages, hours, apprenticeship programs, journeyman/journeywoman standards and working conditions.

### *Section 4*

agreement must be written and signed

(a) When a Local Union or unit becomes a party to an agreement on wages, hours or working conditions, it will make sure the agreement is written and properly signed by the authorized representatives of all the parties.

copy of contract and wage rates to National

(b) The Local Union or unit must send a copy of each agreement to the National Secretary-Treasurer, along with a complete and up-to-date schedule of job classifications and wage rates.

*Section 5*

National agreements and supplements must be ratified by the members of the Local Unions and units involved.

national agreements ratified locally

*Section 6*

The National Executive Board will protect Local Unions or units who have succeeded in gaining better agreements, so that Local Unions doing similar work but with inferior agreements cannot infringe on them.

NEB protect those with better agreements

**ARTICLE 20  
National Councils**

*Section 1*

(a) Where a number of Local Unions are involved in negotiations and bargaining with a major corporation or an association of corporations, the National Executive Board will set up a Corporation Council. A Corporation Council will be an administrative arm of the National Union. The Local Unions involved will be members and will participate through elected delegates.

Corporation Council for bargaining with major corporation  
Locals participate through delegates

(b) The purpose of a Corporation Council is to co-ordinate the demands of the separate members and formulate policies to deal with their common employer. It will meet to formulate new contract demands not later than 30 days before the opening of negotiations. A council will deal only with matters and policies concerning its immediate corporation.

co-ordinates demands, deals only with matters concerning the one corporation

(c) If the large corporation or national association has widely scattered branches, the Corporation Council will set up Sub-Corporation Councils. The National Executive Board will define the geographic districts or occupational or manufacturing groupings for the Sub-Corporation Councils. Delegates

if corporation scattered, may set up sub-corporation councils  
delegates from sub-corp councils will form corporation council

## ART. 20

votes based on number of per capita taxes

from the Sub-Corporation Councils will form the Corporation Council.

(d) Voting at Corporation Council meetings is based on the number of per capita taxes the Local Unions pay to the National Union.

### *Section 2*

national councils by section affiliation may be mandatory

The National Executive Board will establish national councils for the following sections: Airline; Independents, Parts and Suppliers (IPS); Skilled Trades; Technical, Office and Professional (TOP); Aerospace; and Forge and Foundry. These are non-legislative bodies to discuss their section's special problems. Where Local Unions or units have members who work exclusively with one section, their inclusion in that council and any financing of it will be by agreement between the National President and participating Local Union. Where a council has been operating for one year, the National Executive Board may make affiliation mandatory. Any Local Union or unit may appeal this decision to the National Executive Board under Article 24.

### *Section 3*

Industry-wide council to help set uniform standards

(a) A representative number of Local Unions may ask the National Executive Board to set up Industry-wide Councils to discuss problems related to wages, hours, benefits and other conditions within the industry and to help set uniform contract language.

co-ordinated through Nat. Pres.

(b) The office of the National President will co-ordinate the councils' activities.

### *Section 4*

reps may work with councils

The National President may appoint National Representatives to work with councils, subject to the approval of the

National Executive Board.

## ARTICLE 21 National Departments

### *Section 1*

The National Union will maintain an Education Department, a Research Department and a Communications Department. The National President will appoint the Department Directors.

President appoints directors research, education, communications

### *Section 2*

(a) The Research Department will gather and keep on file information on conditions of employment for the sectors in which the National Union is involved as well as any other information needed by the National Executive Board, National Representatives, or any subordinate body.

Research department general information on specific economic sectors

Local Unions and National staff will inform the department of changes in wages and benefits.

keeps informed of CAW wages and benefits

(b) Periodically, it will send a bulletin to National Executive Board members, National Representatives and Local Unions on issues of general interest.

sends out issues bulletin

(c) It will submit reports on the general economy as well as economic sectors of particular interest to the union to the National Executive Board and national conventions.

reports on economic conditions to NEB, conventions

(d) It will help National Representatives and staff in their work of organizing, educating, collective bargaining and servicing the members.

helps reps and staff

### *Section 3*

(a) Education must be part of the business of the National Union and of every Local Union. The National Union's education programs are to provide Local Union leaders and members with the training and information they need to advance the pro-

Education department provide leaders and members with training to advance goals of union

## ART. 21

grams and goals of the union. This includes all aspects of union activities: social, political and economic, both nationally and internationally.

locals to have an education committee and participate in training

(b) Each Local Union must have an Education Committee to promote all aspects of education affecting the welfare of the members, the union and the labour movement. Local Unions must make every reasonable effort to participate in the National Union's education programs and to promote training for local elected leaders.

encourage PEL and family education

(c) The department will promote the Paid Education Leave Program (PEL) and the Family Education Program. The union will maintain the Family Education Scholarship program to provide opportunities for members and their families to increase their understanding of the union's programs, policies, and goals as well as the complex problems facing us. The department will develop a comprehensive program for the Local Union level to encourage interest and family participation in CAW-Canada.

### *Section 4*

Communications Department to provide information to membership and public

(a) The Communications Department will provide information to the members and the general public by means of current technology i.e.; web page, as well as any other means as prescribed by the National President and National Executive Board.

means of communicating changes with technology

(b) As technology changes so will the methods used for communicating with the members as directed by the National President and National Executive Board.

encourage local publications responsible to executive consis-

(c) The Department will encourage Local Unions to publish regular bulletins or newsletters. Local publications will conform with the policies of

the National Union. All Local Union or unit editors and editorial committees will be responsible to their Local's or unit's executive.

tent with national union policy

**ARTICLE 22**  
**Charges and Trials of National Officers**

*Section 1*

Charges can be made against National Officers or National Executive Board members by filing a written affidavit with the National Secretary-Treasurer. It must be signed by five or more National Executive Board members or by a Local Union member and endorsed by the member's Local and at least 10 other Local Unions.

charges can be made by 5 NEB members or 11 Local Unions

*Section 2*

If the charges are against the National Secretary-Treasurer, they will be filed with the National President who will then carry out the trial procedure.

if charges against Secretary-Treasurer, President assumes trial duties

*Section 3*

Immediately after receiving the charges, the National Secretary-Treasurer will send a copy by registered mail to the accused, notifying her/him that s/he has 15 days to prepare a defence. The Secretary-Treasurer will send a copy of the charges to all National Executive Board members, and convene a special National Executive Board meeting 10 days after the Secretary-Treasurer received the charges.

Sec-Treas sends charges to accused. Accused has 15 days to prepare defence. Copies go to NEB members. Special NEB meeting 10 days later

*Section 4*

Until the trial, the accused will continue in her/his elected office unless a special National Executive Board meeting is convened and votes by a two-thirds majority for suspension.

remains in office until trial unless NEB suspends by 2/3 vote

## ART. 22

### *Section 5*

NEB sets up trial committee

The first business at the special National Executive Board meeting will be to set up a National Union Trial Committee.

chosen from delegates to previous convention

(a) The committee will be chosen from members in good standing who were delegates at the preceding Constitutional Convention. Excluded will be National Union officers, National Executive Board members and National Union employees.

names written on slips of paper

(b) The name of each qualified member will be written on a slip of paper along with the number and location of the Local Union from which s/he was a delegate. The slips of paper must be of the same size and appearance.

NEB member draws out 50 names

(c) The National Secretary-Treasurer, in front of the board, will put the slips of paper into a box, seal it and shake it. Then s/he will open the box. A member of the National Executive Board will draw out 50 slips, one at a time. The Secretary-Treasurer will read out the names. Each name, in the order in which it was drawn, will be written down opposite a number from 1 to 50.

names listed 1 to 50

### *Section 6*

accused, accuser or representatives can be present

During the drawing, the accused or her/his representative and the accuser or her/his representative have the right to be present.

### *Section 7*

accused and accuser may strike 10 names each

Immediately after the draw, the Trial Committee of 12 names will be chosen.

first 12 names left are trial

(a) Accused and accuser each have the right to remove up to 10 names from the list. They will proceed in turn, starting with the accused, to remove names.

(b) The first 12 persons remaining on the list are the Trial Committee. They

will be told to report to the National Office within five days to proceed with the trial. Their Local Unions will also be notified.

committee  
to start in 5  
days

*Section 8*

(a) It is a member's duty to serve on a Trial Committee. However, if a member has good reason s/he may state those reasons and withdraw.

member's  
duty but may  
withdraw for  
good reason

(b) If a Trial Committee member withdraws, the member whose name is next in the numerical sequence will be told to report.

next name  
to replace  
withdrawal

*Section 9*

When a member of the Trial Committee appears at the National Office, s/he must produce a statement, signed by the Financial Secretary, saying s/he is a member in good standing of her/his Local Union.

member  
must bring  
statement  
of "member  
in good  
standing"

*Section 10*

The Trial Committee will begin as soon as all 12 members have arrived. The committee will decide its own rules and procedure and may elect its own chair and secretary. A court stenographer will take verbatim minutes. The accused and accuser have the right to be represented by counsel. The committee will hear the accuser and witnesses to substantiate the charges and will hear the accused and all witnesses in her/his defence.

decide own  
procedure  
verbatim  
minutes  
hear accused,  
accuser and  
all witnesses

*Section 11*

(a) After hearing the evidence and arguments, the Trial Committee will go into closed session. A two-thirds vote is required to find the accused guilty. If the accused is found guilty, the Trial Committee may, by a majority vote, reprimand the accused. By a two-thirds vote, the committee may sus-

2/3 vote to  
find guilty  
majority to  
reprimand

2/3 vote to  
remove from  
office  
2/3 to sus-  
pend or expel

**ART. 22-23**

from union      pend or remove the accused from office, or suspend or expel her/him from membership in the National Union.

malicious accuser may be penalized      (b) If a Trial Committee finds the accused innocent, they may find the accuser guilty of malice in filing the charges. They may levy the penalties listed in Section 11 (a) of this article against the accuser.

*Section 12*

applies to national full-time officers even though charges may concern own local      Charges against a full-time National Officer concerning her/his own Local Union will follow these procedures, not the procedures for charges against members.

**ARTICLE 23**  
**Charges Against Members**

*Section 1*

a member may charge another      A member in good standing may charge that a member has violated this constitution or engaged in conduct unbecoming a member. The accuser must set the charges out in writing and sign them. The charges must state the exact nature of the alleged offence and, if possible, the time during which it happened. Two or more members may be charged jointly.

may charge jointly

*Section 2*

charges to Recording Secretary within 45 days      The accuser must submit the charges to the Local Union’s Recording Secretary, or in the case of National/Provincial Local Unions and National Union Councils, charges must be submitted firstly to the sub-local or lodge’s Recording Secretary within 45 days of when s/he became aware, or reasonably should have been aware, of the alleged offence. If the charges are against the Recording Secretary, they will be submitted to the Local Union President, or in the case of a Nation-

al/Provincial Local union, or a National Union Council, if the charges are against the sub-local or lodge Recording Secretary, they will be submitted to the sub-local or lodge President. If the acts were committed while the accused was out of the Union, sub-local or lodge on withdrawal card, the charges must be submitted within 45 days of the deposit of the withdrawal card.

*Section 3*

(a) Before notifying a member of charges filed against him/her, the Local Union Executive Board or unit executive, or in the case of a National/Provincial Local Union or National Union Council where applicable, the sub-local or lodge executive will first review the charges. The charges are improper if:

local executive first decides if charges are proper

- they do not state the exact nature of the offence, or
- they are not timely under Section 2 of this article, or
- the act is not a violation of the Constitution or conduct unbecoming a member, or
- they involve a question that should be decided at a membership meeting, or in the case of a National/Provincial Local Union or National Union Council, at a sub-local or lodge meeting.

must state exact offence, be timely, a violation, not involve something better settled at membership meeting

If the charges are improper, the Executive or in the case of a National/Provincial Local Union or National Council, the sub-local or lodge executive will notify in writing the accuser and the accused. The accuser may appeal the decision to the National President. In the case of a National/Provincial Local Union or National Union

accused may appeal

## ART. 23-24

Council, the appeal of a sub-local or lodge decision must first go to the National/Provincial Local Union or National Union Council Executive Board within (30) thirty days of the receipt of a decision. The accuser may appeal this decision to the National President.

### *Section 4*

accused notified by registered mail in 7 days

The Local Union executive board or in the case of a National/Provincial Local or National Union Council, the sub-local or lodge Executive will notify the accused member that proper charges have been filed by receipted or registered mail within seven days after they review the charges.

information to President

The charges and all available information will be sent to the National President's office.

### *Section 5*

may have hearing

The National President will review the complaint and tell the members of any action needed to correct the violation of the constitution or the detrimental conduct.

President rules

The President may hold an investigation or hearing into the complaint and assign a representative to carry it out. The President will review the report and decide on the complaint.

appeal to NEB or PRB

Any party to the complaint may appeal the decision to the National Executive Board. Their decision may be appealed to the Public Review Board.

## ARTICLE 24 Appeals

### *Section 1*

duty to follow all appeal steps before going outside

An appealing member or body has the duty to use every method of appeal outlined in this constitution before seeking a remedy by going to a civil

court or government agency.

*Section 2*

In general, any member or subordinate body has the right to appeal an action, a decision, a failure or refusal to act that allegedly results in an injury, or a penalty of one of the following:

- the National Union, its Executive Board or one of its officers or representatives
- an administrative arm of the National Union, including departments and bargaining councils
- a Local Union or any unit, committee, officer or representative
- a subordinate body of the National Union or in the case of a National/Provincial Local Union or National Union Council, a sub-local or lodge.

a member or subordinate body may appeal decisions or inaction of National Union, reps

administrative arms

Local unions, committees, reps subordinate body

*Section 3*

(a) The normal levels of appeal are

- first to the membership responsible for the representative, action or decision
- or in the case of a National/Provincial Local Union or National Union Council the appeal would go from the sub-local or lodge membership to the National/Provincial or National Union Council Executive Board
- second to the National Executive Board
- if the appeal is against the decision of a National/Provincial Local Union or National Union Council, the appeal would go immediately to the National Executive Board
- third to the Convention Appeals Committee or Public Review

first level is to membership, second to NEB, then to Convention Appeals Committee (CAC) or

Public Review Board (PRB)

Board.

All cases will follow this route except where the constitution sets out a different one.

The following are examples of common cases using the normal appeal route.

appealing a grievance

(i) In appealing the disposition of a grievance by a Local Union representative, the first level of appeal is to the unit, or in the case of a National/Provincial Local Union or National Union Council, the first level of appeal is to the sub-local or lodge, second to the Local Union or in the case of a National/Provincial Local Union or National Union Council second to the National/Provincial Local or National Union Council Executive Board, third to the National Executive Board, fourth to the Convention Appeals Committee or, where appropriate, the Public Review Board. In the case of a National/Provincial Local Union or National Union Council where regular membership meetings are not held, the first level of appeal is to the National/ Provincial Local or National Union Council Executive Board, second to the National Executive Board, third to the Convention Appeals Committee, or where appropriate, the Public Review Board.

If the grievance was handled by a National representative or officer, the first level is to the National Executive Board, second to the Convention Appeals Committee or the Public Review Board.

appealing President's ruling on dispute or constitutional interpretation

(ii) In appealing a ruling by the National President about a dispute or constitutional interpretation, the first level of appeal is to the National Executive Board and the second is to the

Constitutional Convention.

(iii) In appealing a ruling by the National President about financial misconduct in a Local Union, the first level of appeal is to the National Executive Board and then to the Convention Appeals Committee or the Public Review Board.

appealing President's ruling on Local financial misconduct

(b) An appeal is limited in the following cases:

(i) To appeal an action or decision by a national, corporate or industry-wide council, the appeal goes directly to and ends with the National Executive Board.

appeal of council decision only to NEB

(ii) If the issue does not involve misuse of funds or a substantive provision of the constitution, appeals about the following go to and end with the membership of the Local Union. In an Amalgamated Local, the route is first to the unit membership, then to the Joint Council or general meeting of the Amalgamated Local.

appeal of a matter limited in scope goes to and ends with membership body

- recreation activities
- procedural rulings of the Chair during meetings
- appointment or removal of Local Union committee officials
- sending authorized members to any CAW or other convention or meeting, except the Constitutional Convention.

recreation, procedural rulings, appointing officials, sending members to meetings

(iii) Appeals about the seating of members at a CAW-sponsored meeting where there is a Credentials Committee go first to the committee, second to the meeting itself, where it ends. If there is no Credentials Committee, the appeal goes to and ends with the National President.

appeal about seating delegates to Credentials committee, then meeting or if no committee to President

(iv) An appeal about appointing or removing special purpose representa-

appeal about special purpose reps to NEB

## ART. 24

tives such as benefit or health and safety committee persons by the National President goes to and ends with the National Executive Board.

appeal about agreement interpretations to President

(v) The National President will be the only authority in the case of appeals about the interpretation of a collective bargaining agreement.

### *Section 4*

general rules

Unless otherwise indicated, the following rules govern all levels of the appeal procedure.

set out detail, include supportive material, sign it

(a) The appeal should be specific and detailed in describing the action or decision and include all supportive information. The member(s) making the appeal must sign it.

time begins when member becomes aware of decision or action or receipt of NEB decision

(b) (i) Time limits begin from the time the member first becomes aware, or reasonably should have become aware, of the action or decision. If appealing a National Executive Board decision, the time limit begins when the member receives notice of the decision. If mailed, an appeal is filed as of the date of its postmark. An appeal must comply with the time limits.

date of filing is postmark

(ii) The time limits for appeals are

60 to Local  
60 to unit, 30 to Amalgamated

- to Local Union: 60 days
- in an amalgamated Local: 60 days to Unit, then 30 days to amalgamated Local
- in the case of a National/Provincial Local or National Union Council: 60 days to the sub-local or lodge, then 30 days to the National/Provincial Local or National Union Council Executive
- to another subordinate body: 60 days
- to National Executive Board: 30 days

60 to subordinate body  
30 to NEB

30 to Convention Ap-

## ART. 24

- to Convention Appeals Committee: 30 days
  - to Public Review Board: 30 days
- (iii) For good reason, the National President may waive the time limit for appeals to a Local Union or other subordinate body, the National Executive Board or the Convention Appeals Committee.
- (c) The decision of the lower tribunal must be complied with before a higher tribunal can accept the appeal. The decision will remain in effect until reversed or modified. Upon written application and if there are unusual circumstances, the National President may waive part or all requirements of the compliance.
- (d) Any party to an appeal before the National Executive Board, Convention Appeals Committee or Public Review Board may be represented by counsel or other representative s/he chooses. The party having counsel or representation will bear the costs of the representation.
- (e) Any party to an appeal may submit a brief or other written statement.
- (f) (i) When hearings are held, they are to bring to light all the facts and issues involved. The member appealing and the defendant or their representatives must appear, along with witnesses they choose. Everyone must answer all questions fully and truthfully. The hearing will make sure all parties have full opportunity to present their positions.
- (ii) To minimize cost and inconvenience, a National Executive Board hearing, held through its Appeal Committee or the National President, will
- peals  
30 to PRB
- President may waive limits except to PRB
- must comply with lower tribunal decision President may waive compliance
- may have representation at NEB, Appeals Committee, PRB  
pay own cost
- may submit brief
- hearings to get complete stories
- NEB hearings to be held close to member appealing

## ART. 24

be conducted in a location close to that of the member appealing.

panel of reviewing body is same as body

(iii) A hearing before a panel or committee of a reviewing tribunal is deemed to be a hearing before the full tribunal.

member appeals to Local Union membership

### *Section 5*

A member may appeal to the Local Union at a membership meeting or in writing to the Recording Secretary. When no regular membership meeting is scheduled within 45 days of receiving the appeal, the Local Union Executive Board may rule on the appeal.

in Amalgamated Local, appeals first to unit membership

### *Section 6*

(a) In an Amalgamated Local Union, the member appeals first at her/his unit's membership meeting or in writing to the unit's Recording Secretary or Chair. If no regular membership meeting is scheduled within 45 days of receiving the appeal, the unit committee or executive may rule on the appeal.

then to joint council or general meeting

(b) From the unit, the member goes to the Amalgamated Local Union's Joint Council. Or, if there is none, to the Local's general meeting. The member submits the appeal in writing to the Recording Secretary. When neither meeting is held within 45 days of receiving the appeal, the Local Union Executive Board may rule on it. The executive may enlist the aid of an investigating committee.

appeal to membership of subordinate body

### *Section 7*

A member may appeal to other subordinate bodies at a meeting of their membership or in writing to the Recording Secretary. When no regular meeting is scheduled within 45 days of receiving the appeal, the body's executive may rule on the appeal.

*Section 8*

- (a) A member appeals to the National Executive Board by writing to the board in care of the National President. The appeal will set out what is being appealed with as much detail as possible. It will include all information available to support the appeal.

appeals to NEB to President
- (b) (i) The National Executive Board has jurisdiction to decide on appeals against rulings made by subordinate bodies. The board will consider this kind of appeal only after the appropriate membership body has ruled on it, except in the type of cases outlined in Section 3 (b).

NEB rules on rulings made by subordinate bodies
- (ii) In cases where the National Executive Board is the second or higher level of appeal, the member appealing should send a copy to the Recording Secretary of the body that made the ruling s/he is appealing. When the National President receives the appeal, s/he will obtain the complete information, records, and material relating to it from the subordinate body.

where 2nd level, copy should go to first body's Recording Secretary
- (iii) The National Executive Board is the first level of appeal against decisions or actions of a National Officer, representative, administrative arm or department of the National Union, except in the type of cases outlined in Section 3 (b).

NEB first level on decisions of national officers, reps, depts, arms
- (c) The National Executive Board may appoint an Appeals Committee to consider the appeal and make recommendations. The committee will consist of two National Executive Board members. It will exclude a board member if the appeal originates from her/his Local Union or if there is any other conflict of interest. The Appeals Committee will review the records and make recommendations. It will submit

NEB may appoint 2-member committee to investigate and recommend. NEB rules

## ART. 24

the full record and recommendations to the National Executive Board. The National Executive Board will make a decision on the appeal.

President may decide an appeal, designate may investigate

(d) (i) The National President may decide an appeal rather than submitting it to an Appeals Committee. S/he may designate a representative to conduct an investigation or hearing. The President will consider the files and records of the case and any briefs submitted.

President's decision sent to NEB members. If one objects, decision made at next NEB meeting

(ii) Copies of the President's decisions will be sent to all National Executive Board members. The decision becomes one of the full board unless, within 10 days, a board member objects. In that event, the National Executive Board will decide on the appeal at its next regular meeting. The National President will promptly notify all parties of the National Executive Board's decision. The board will do its best to make the decision within 60 days of receipt of the appeal by the President.

### *Section 9*

8 members, 8 alternate chosen by lot from convention delegates

(a) There will be a Convention Appeals Committee that will consist of eight members and eight alternates selected by lot from delegates to Constitutional Conventions. There will be no more than one member or alternate from the same Local Union. One member and one alternate member must be from Quebec.

term is two conventions, half replaced at each convention vacancy filled by alternate, then by lot

Members will serve two convention terms, one half of the members being replaced at each convention. A vacancy will be filled by the next alternate selected. Any vacancies left will be filled by lot at the next Constitutional Convention.

CAC rules about NEB

(b) The Convention Appeals Committee settles appeals submitted to it against rulings of the National Execu-

tive Board or a National Trial Committee. All decisions of the Convention Appeals Committee are final and binding.

and national trial committee decisions

(c) The committee will meet at least twice a year at the National Union Headquarters to consider appeals that were submitted at least 30 days before the meeting. The National Executive Board will set the procedures for handling appeals, subject to review by Constitutional Convention.

meets twice a year  
NEB sets procedures

(d) An appeal made to the Convention Appeals Committee will be in writing, signed by the member(s) and sent in care of the National President.

appeals to CAC c/o President

*Section 10*

(a) (i) A member making an appeal to the Public Review Board will do so in writing, sign it, and send it care of the National President.

appeal to PRB c/o President

(ii) When notified that an appeal to the Public Review Board has been filed, the National President will forward to the board's Chair all documents and records in the case.

President forwards all documents

(b) The Public Review Board has the jurisdiction to make final and binding decisions on appeals against rulings, decisions and actions in the following circumstances:

PRB decision final and binding

- matters related to alleged violation of a CAW-Canada ethical practices code
- the National Executive Board has ruled on an appeal of the action or decision of a subordinate body
- decisions of a National Trial Committee
- suspension for working for decertification (Article 11 Section 5 (a))
- reorganizing or disbanding a sub-

handles appeals of NEB, national trial committee decisions  
ethical practices  
NEB ruling  
national trial committee  
NEB action

## ART. 24

ordinate body (Article 13, Section 8-9)

- spending dues on political activity (Article 17 Section 19)
- National Executive Board taking control of Local's assets (Article 28, Sections 5-6)
- suspension for financial misconduct (Article 44 Sections 4, 6)
- National Executive Board has ruled on an appeal about the handling of a grievance (Article 13 Section 17). In this case, jurisdiction is limited to whether the handling was improper because of fraud or collusion with management

cannot rule on bargaining policy

(c) (i) The Public Review Board has no jurisdiction to review an official collective bargaining policy of the National Union.

PRB hearing on collective bargaining matter limited to fraud, collusion, discrimination

(ii) The Public Review Board does not have jurisdiction to hear an appeal concerning the handling of a grievance or other issue involving a collective bargaining agreement, except where the member appealing has alleged before the National Executive Board that the matter was handled improperly because of fraud, discrimination or collusion with management, or that the decision had no rational basis.

dismisses grievance appeal if no jurisdiction member can appeal to CAC

(iii) In grievance cases, the board will first review whether it has jurisdiction. If it does not, it will dismiss the appeal. The member appealing may appeal to the Convention Appeals Committee within 30 days of being notified of the dismissal. In this appeal, the member may not raise any issue settled by the Public Review Board in its ruling.

*Section 11*

The following procedures apply to the handling of complaints of alleged violations of a CAW-Canada ethical practices code.

procedures for charging a violation of ethics

(a) A member must file a complaint about a breach of a code within 60 days of first becoming aware, or of when the member should reasonably have become aware, of the alleged violation.

file a complaint within 60 days

(b) (i) If the charge is against a subordinate body or one of its officers or representatives, a member of that body must initiate the charge. First, the member must try to correct the matter by appealing to the Local Union's membership. If not satisfied, the member may appeal to the National Executive Board through the National President. The President will send a copy to the Chair of the Public Review Board. The National Executive Board will investigate and rule on the appeal.

if charge against a local or its representative, member goes first to membership, then to NEB.

President sends copy of complaint to PRB chair  
NEB investigates

(ii) The National Executive Board will inform the Public Review Board Chair and the complaining member of its disposition of the case. If the member is still dissatisfied, s/he may, within 30 days, appeal to the Public Review Board. If there is no appeal, the Public Review Board may act if it concludes there is substance to the original charge and the National Executive Board's action is not satisfactory.

NEB informs members and PRB

member may appeal to PRB within 30 days

(c) If the charge is against the National Union or one of its officers or representatives, a member of a Local Union, supported by the Local's membership, must initiate the charge. The member must submit the complaint, with a certificate of the Local's approval, to the National Executive Board through the National President. The President will

if no appeal, PRB may act if not satisfied with NEB decision

charge against National must be supported by Local vote

## ART. 24-25

send a copy to the Chair of the Public Review Board. The complaint will be dealt with as the one above.

bypassing  
Local step by  
setting out  
reasons

(d) A member may file a complaint without going through the Local Union. In such cases, the member must set out the reasons for failing to seek or obtain approval when s/he files the charge. If the National Executive Board or the Public Review Board agrees there are good reasons to bypass the Local step, the matter may be processed.

NEB may  
submit a  
matter to  
PRB

(e) The National Executive Board may submit any matter within the scope of this section to the Public Review Board.

PRB may sus-  
pend accuser  
for malicious  
intent

(f) If the Public Review Board finds the accused innocent of violating an ethical code, it may rule on the lack of good faith of the accuser. If the facts indicate the accuser acted with malicious intent and in a willful effort to divide and disrupt the union, the only action the board may take is to suspend the accuser's membership for a period of not less than three months.

## ARTICLE 25

### Public Review Board

#### *Section 1*

independent  
appeal body  
composed of  
impartial  
persons from  
outside CAW

The National Executive Board will set up a Public Review Board to serve as an independent appeal body. The Public Review Board's members must be impartial, have good public reputations, and not work under the jurisdiction of the CAW-Canada or be employed by the National Union or any of its subordinate bodies. The purpose of an independent Public Review Board is to safeguard the moral and ethical standards and practices within CAW-Canada and strengthen the

union's democratic process and appeal procedures.

5 members, nominated by President, ratified by convention

*Section 2*

The Public Review Board will have five members, including the Chair. Their terms will be for the period between Constitutional Conventions. At these conventions, the National President will propose the names of the Chair and members of the Public Review Board, approved by the National Executive Board, for ratification.

If a vacancy occurs between Constitutional Conventions, the National President, subject to the approval of the National Executive Board, will fill it by appointment from a list of names submitted by the remaining members of the Public Review Board.

vacancy during term appointed by President from PRB nominees

*Section 3*

The Public Review Board will set its own rules of procedure. To expedite the disposition of cases, the Chair may create panels of not less than three board members to act for the Public Review Board. A panel will have the authority of the full board.

set own rules may have 3-person panels panel has PRB authority

*Section 4*

The Public Review Board may dismiss a matter without a hearing, if an investigation shows the allegations are insufficient to justify a hearing, or there is no reasonable possibility any substantial evidence in support of the allegations can be produced. The Public Review Board will send its decision to the complaining member, the National Union and any subordinate body concerned.

may dismiss without hearing if insubstantial or no proof

*Section 5*

The Public Review Board will submit an annual report to the National

annual report to membership

## ART. 25

include improper complaints mailed to Local Unions, available to members, media distributed to convention delegates may issue interim report

Union's membership. It will highlight any situation where it found the complaint to be improper and will comment on the steps the union took to correct the situation. It will include a summary of all appeals handled during the year. Copies of the report will be mailed to all Local Unions and notice of this put in the union's Official Publication. Copies will be available to members. During convention years, copies will be distributed to all delegates. The report will be made available to the media. The Public Review Board may submit an interim report. This report will also be made available to all members and the public in the same way as the annual report.

### *Section 6*

PRB has own budget, office apart from union, hires staff

(a) The National Executive Board will provide an annual operating budget for the Public Review Board. The National Secretary-Treasurer will deposit quarterly to the Public Review Board's account in a depository designated by it, the funds required by the budget it submitted. The budget will cover all necessary expenses, including staff, travel and operating expenses, and will provide reasonable compensation to the board members. The Public Review Board will function separate and apart from any Union building.

PRB has books audited yearly, submits reports to Secretary-Treasurer who reports to Constitutional Convention

(b) The Public Review Board will select the staff needed for their operation. The Chair must have the financial records audited annually. The audits and summary of financial transactions will be submitted to the National Secretary-Treasurer, who will make the information available to the delegates at each Constitutional Convention.

## ARTICLE 26

### CAW and Quebec Councils

#### *Section 1*

The CAW Council will recommend constructive measures for the welfare of the Local Unions and their members to the National President and National Union. It will discuss agreements, organizational problems, provincial and federal legislation, and other issues of interest to Local Union members.

CAW Council recommends on Local members' interest

#### *Section 2*

All Local Unions, except those located in Quebec, must affiliate to the CAW Council.

Locals outside Quebec must affiliate

#### *Section 3*

The CAW Council will be composed of delegates elected from the Local Unions for a term of three years. As a cost-saving measure, Local Unions may assign their entire vote to as many delegates as they desire.

composed of Local delegates, 3-year term

#### *Section 4*

Affiliated Local Unions will pay a per capita tax to finance CAW Council activities. The funds may be used for organizational work, educational materials and lobbying for legislation. The amount of the tax is subject to the approval of the National Executive Board.

financed by per capita tax used for organizational work, education, lobbying

#### *Section 5*

If an affiliated Local Union has not paid its per capita tax, the CAW Council Secretary-Treasurer will report it to the National Secretary-Treasurer. The National Secretary-Treasurer will notify the Local Union's President and Trustees. The Local Union stands suspended until it has met its financial obligations.

suspend affiliate for non-payment

## ART. 26-27

### *Section 6*

bylaws conform to constitution and NEB approval

The CAW Council bylaws must conform with this constitution and are subject to National Executive Board approval.

### *Quebec Council*

#### *Section 7*

Quebec Council recommends on Local members' interest

The Quebec Council will recommend constructive measures for the welfare of the Local Unions and their members to the Quebec Director, the National President and National Union. It will discuss agreements, organizational problems, provincial and federal legislation, and other issues of interest to Local Union members.

#### *Section 8*

Locals in Quebec must affiliate

All Local Unions located in Quebec must affiliate to the Quebec Council.

#### *Section 9*

composed of Local delegates, 3-year term

The Quebec Council will be composed of delegates elected from the Local Unions in Quebec for a term of three years. As a cost-saving measure, Local Unions may assign their entire vote to as many delegates as they desire.

#### *Section 10*

financed by per capita tax used for organizational work, education, lobbying

Affiliated Local Unions will pay a per capita tax to finance Quebec Council activities. The funds may be used for organizational work, educational materials and lobbying for legislation. The amount of the tax is subject to the approval of the National Executive Board.

#### *Section 11*

suspend affiliate for non-payment

If an affiliated Local Union has not paid its per capita tax, the Quebec Council Secretary-Treasurer will report it to the National Secretary-Treasurer. The National Secretary-Treasurer will notify the Local Union's President and Trustees. The Local Union will stand

suspended until it has met its financial obligations.

*Section 12*

The Quebec Council bylaws must conform with this constitution and are subject to National Executive Board approval.

bylaws conform to constitution and NEB approval

**ARTICLE 27**

**Amalgamated Local Unions**

*Section 1*

Any two or more bargaining units that are not part of an Amalgamated Local Union may petition the National Executive Board to form an Amalgamated Local Union. This request must be approved by the members of the bargaining units involved at a general meeting called for that purpose. When it receives the request, the National Executive Board will investigate whether an Amalgamated Local Union is feasible. If the board decides that an Amalgamated Local Union be set up, the National President will proceed without delay. The Amalgamated Local Union will include bargaining units as the National Executive Board determines.

2 or more units may ask to be amalgamated members involved must approve NEB determines units to be included

*Section 2*

Any two or more units of an Amalgamated Local Union may request the National Executive Board to set up a Joint Council in their Local Union. The National Executive Board will, without delay, investigate if a Joint Council is practical. If the board decides it is, the Local Union will, without delay, set up a Joint Council. Members of the Joint Council will be elected by secret ballot using the procedures set out in Article 34 Section 5, whether they are elected directly to the council or are members because of another elected

2 or more units may request NEB to set up Joint Council members of council must be elected by secret ballot, either directly or by virtue of another elected position

## ART. 27

members guaranteed representation on number of per capita taxes paid by each unit minimum 2 per unit by referendum, can appeal Joint Council decision.

autonomy on internal matters

per cent of dues for unit's exclusive use

NEB add new units to Amalgamated Locals

NEB may issue charter

position they hold.

### *Section 3*

The members of the Local Union are guaranteed

(a) Proportional representation from each unit, based on the number of per capita taxes each unit pays to the Local Union. Each unit is entitled to at least two representatives to the Joint Council.

(b) That they can decide, by a referendum vote, to appeal a Joint Council decision or action.

(c) That each unit will be autonomous on matters that pertain exclusively to it. The general meeting of the members of a unit will be the highest authority for handling problems within the unit as long as they follow their Local Union bylaws and this constitution.

(d) That a percentage of a unit's dues may be set aside in a fund for the unit's exclusive use.

### *Section 4*

Newly organized bargaining units may be added to Amalgamated Local Unions upon approval of the National Executive Board.

### *Section 5*

The National Executive Board may, on its own initiative, decide to issue an Amalgamated Local Union charter to Local Unions.

## ARTICLE 28

### Local Union Charters and Subordinate Bodies

*Section 1*

Fifteen or more people working within the jurisdiction of the National Union may apply to the National Secretary-Treasurer for a charter to form a Local Union.

15 people apply for charter to Sec. Treas.

*Section 2*

The National Secretary-Treasurer will supply an application blank. The applicants will fill it out and return it with a charter fee of \$50. If the National Executive Board approves, it will grant a charter and initial supplies. The supplies consist of one membership receipt book, one bookkeeping set, one Recording Secretary's minute book, 15 constitutions, one roll call book and one gavel. The charter and supplies remain the property of the National Union. The Local Union may use them only as long as it and its members comply with the laws of the National Union.

charter fee \$50  
NEB approves charter and supplies property of National supplies member receipts, minute book, bookkeeping set, gavel, roll call book, constitutions

*Section 3*

Local Union charters will read as follows:

**CHARTER**

The National Automobile, Aerospace, Transportation and General Workers Union of Canada, (CAW-Canada), established for the purpose of organizing workers in the automobile, aerospace, transportation, and other industries and composed of Local Unions and Members in different sections of Canada, grants unto \_\_\_\_\_ and to their successors, this Charter for the establishment and future maintenance of a Local Union at \_\_\_\_\_ to be known as Local Union No \_\_\_\_\_

charter text

Now, the conditions of this Charter are: that this Local Union under all circumstances shall be subordinate to and comply with all the requirements of the Constitution, Bylaws and General Laws or other laws of the National Automobile, Aerospace, Transportation and General Workers Union of Canada, (CAW-Canada), as they may from time to time be altered or amended; that this Union shall for all time be guided and controlled by all acts and decisions of the National Automobile, Aerospace, Transportation and General Workers Union of Canada, (CAW-Canada), as they may from time to time be enacted; that should this Local Union take advantage of any powers, privileges or rights conferred under the laws as they may exist at any time, said action shall not prevent the National Automobile, Aerospace, Transportation and General Workers Union of Canada, (CAW-Canada), from recalling, amending, changing or abolishing any such powers, privileges or rights.

So long as the said Union adheres to these conditions, this Charter to remain in full force; but with any infraction the National Automobile, Aerospace, Transportation and General Workers Union of Canada, (CAW-Canada), may revoke this Charter, annulling all privileges secured by this Charter.

We have signed as witnesses and affixed the Seal of the National Automobile, Aerospace, Transportation and General Workers Union of Canada, (CAW-Canada), this day of 19 .

National Executive Board

National President

National Secretary-Treasurer

*Section 4*

To disband, any subordinate body must have National Executive Board approval. No Local Union or Family Auxiliary can disband as long as 15 members wish to retain the charter. No other subordinate body can disband as long as 15 members or two Local Unions want it to continue.

need NEB permission to disband cannot disband as long as 15 members or two Locals want to keep on

In places where there are two or more Local Unions and the membership of a Local Union drops to below 15, that Local may be merged with another in the area, at the National Executive Board's discretion.

This does not apply to units of Amalgamated Local Unions.

not apply to units of Amalgamated Locals

*Section 5*

If a Local Union disbands, or ceases to exist because the workplace over which it has jurisdiction has stopped operating, all the funds, property and assets of the Local Union will revert to and become the property and assets of the National Union. **If a Retiree's Chapter charter has been issued to the Local Union, such funds, property and assets, where deemed appropriate by the National Union will be used to offset the continuing activities of the Retirees Chapter.**

assets of defunct Local Union belong to National

If a Retiree's charter issued assets will be used to offset continuing activities of the Retirees Chapter

During the following year, if a new charter is issued to a Local Union with the same or similar jurisdiction, the National Executive Board will assign an amount of not more than the value of the funds, property and assets to the newly-chartered Local Union to help it begin operations.

if new Local starts within a year, NEB will give it the assets

*Section 6*

When the funds, property and assets of a Local Union become grossly disproportionate to the number of its

where members decline drastically, NEB may

## ART. 28

assume  
Local property, assets by  
3/4 vote  
to be used to  
further union  
objectives  
and conserve  
for remaining  
and new  
members

members as a result of layoffs or other reasons, the National Executive Board may take possession of and control the spending and use of these funds, property and assets. The National Executive Board must hold a hearing and make the decision by a three-quarters vote. The board will make sure these funds, property and assets are used to carry out the objectives of the Local and National Union and conserve them in the interests of the remaining and any future members.

### *Section 7*

unit wanting  
to withdraw  
may at a regular meeting  
decide to call  
a special  
meeting

(a) If members of a unit feel there is just cause for the unit to withdraw from its Amalgamated Local Union, they may raise the question in any regular meeting. If a majority approves, a date will be set for a special meeting to decide whether to petition the National Executive Board to withdraw from the Local Union.

7 days notice  
if special  
meeting  
votes by 2/3,  
secret ballot,  
request goes  
to NEB

(b) The unit members will receive at least seven days' notice of the time, place and purpose of the special meeting. The vote must be by secret ballot and requires two-thirds of those voting to pass. If passed, the unit will forward to the National Executive Board a detailed statement setting out the reasons for withdrawing from the Local Union.

NEB investigates, if satisfied there is just cause, orders referendum vote of unit

(c) The National Executive Board will investigate the circumstances and determine if there is just cause for withdrawal and the effect a withdrawal would have on the Local Union and the unit. If the board is satisfied the unit has just cause for withdrawal and that it will not adversely affect the Local Union or the unit, the National Executive Board will direct a referendum vote of the unit members.

(d) The unit members will receive seven days' notice of the time, place and purpose of the referendum vote. The vote will be by secret ballot in booths located so that all members have the opportunity to vote. The following words will be printed on the ballot: "Do you want to withdraw from Local \_\_\_\_\_? Yes \_\_\_\_ or No \_\_\_\_."

7 days notice  
ballot to say  
"Do you  
want to with-  
draw?"

If two-thirds of those voting vote in favour of withdrawal, the National Executive Board will issue a separate charter.

2/3 vote in  
favour, NEB  
issues new  
charter

(e) If the members at the special meeting decide not to petition for withdrawal, or if the National Executive Board denies the petition, or if the referendum vote does not receive two-thirds, the question of withdrawal must not be brought up for two years.

if denied by  
NEB or de-  
feated by  
members,  
cannot come  
up again for  
2 years

*Section 8*

(a) If an Amalgamated Local Union wants to discontinue the affiliation of a unit, the matter may be raised in any regular Local Union meeting or the Joint Council. If that meeting approves, a date will be set for a special meeting to decide whether to take a vote on the proposed discontinuation of affiliation.

if Amalgamated Local  
wants to dis-  
continue a  
unit's affilia-  
tion, decides  
at regular  
meeting to  
call special  
meeting

(b) The members, or Joint Council delegates, will receive at least seven days' notice of the time, place and purpose of the special meeting. If two-thirds of those present vote in favour, there will be a referendum vote to decide whether the unit should be disaffiliated.

7 days notice  
if special  
meeting  
votes by 2/3,  
referendum  
vote to be  
held

(c) The Local Union members will receive at least seven days' notice of the time, place and purpose of the referendum vote. The vote will be by secret ballot in booths located so that all members have the opportunity to vote. The following words only will be

7 days notice  
ballot to say  
"Do you  
want to dis-  
continue af-  
filiation of  
unit?"

## ART.28-29

printed on the ballot: "Do you want to discontinue the affiliation of the \_\_\_\_\_ Unit of Local \_\_\_\_\_? Yes \_\_\_ or No \_\_\_."

2/3 vote in favour, NEB may issue new charter

If two-thirds of those voting vote in favour of discontinuing the affiliation of the unit, the National Executive Board may issue a separate charter.

if defeated at special meeting or in referendum, cannot come up again for 2 years

(d) If the special meeting decides against holding the referendum vote, or if the referendum vote does not receive two-thirds, this question must not be brought up for two years.

assets property of Local Union members

### *Section 9*

All funds and other assets of an Amalgamated Local Union are and remain the property of the members of the Local Union. Any unit withdrawing from an Amalgamated Local Union and obtaining a separate charter is entitled only to what remains in its own unit fund, if there was one, at the time of separation.

separating unit entitled only to what's in its own fund

### *Section 10*

only charters to Locals, FFAW-CAW, CAW and Quebec Councils, Family Auxiliaries

The only chartered subordinate bodies of the National Union are Local Unions, FFAW-CAW, the CAW Council, the Quebec Council, and Family Auxiliaries. They are autonomous.

other subordinate bodies under NEB

All other subordinate bodies exist upon the authority of the National Executive Board and are generally supervised by and responsible to it.

## ARTICLE 29 FFAW-CAW

### *Section 1*

FFAW-CAW accepted Sept. 1988

The Fishermen, Food and Allied Workers, (FFAW) is a chartered subordinate body of this Union in accordance with a merger agreement dated September 27, 1988. The FFAW is designated the "FFAW-CAW".

*Section 2*

The terms and conditions of the merger agreement between the CAW and FFAW and the FFAW constitution will apply to the FFAW-CAW. Wherever any provision of the CAW constitution differs with the merger agreement or the FFAW constitution, the merger agreement and the FFAW constitution must govern and prevail.

merger agreement and FFAW constitution prevail over CAW constitution

*Section 3*

Subject to Article 9 of the merger agreement, any questions about the interpretation or application of this constitution to the FFAW-CAW and its members will be resolved by the CAW National Executive Board. The decision will be final and binding.

questions of interpretation settled by NEB, decisions final and binding

*Section 4*

Also, if the National Executive Board believes that the application of a provision of the CAW constitution is contrary to the spirit and intent of the merger, the board may decide not to apply that provision.

NEB may decide not to apply a constitutional provision if contrary to spirit of merger

*Section 5*

Except where it is contrary to this article, or otherwise covered by the merger agreement or FFAW constitution, the FFAW-CAW is subject to the provisions in Article 28.

subject to provisions of Article 28

*Section 6*

Except where it is contrary to this article, or otherwise covered by the merger agreement or FFAW constitution, the FFAW-CAW and its members are subject to all the terms, conditions, duties, rights and benefits held by Local Unions and subordinate bodies and their members under this constitution.

FFAW-CAW and its members subject to constitution

**ARTICLE 30**  
**Duties and Powers of**  
**Subordinate Bodies**

*Section 1*

strive to attain objectives in constitution

Each subordinate body will strive to attain the objectives set out in this constitution; to maintain autonomous relations with other organizations; to do all in its power to strengthen and promote the labour movement; to cooperate with the National Executive Board and National Representatives and help promote organizational activities.

*Section 2*

Local Unions must have bylaws effective when submitted to NEB

All Local Unions must establish bylaws and submit them to the National Executive Board for approval. Bylaws, although enacted by a subordinate body, are not effective until submitted to the National Executive Board, except for those enacted under Section 5 of this article. Bylaws, once submitted, remain effective unless the National Executive Board repeals them, as set out in Article 13, Section 10.

*Section 3*

Locals must affiliate to provincial labour federations and labour councils

All Local Unions must affiliate with the appropriate provincial federations of labour and labour councils of the Canadian Labour Congress wherever they exist. The National Executive Board may waive this requirement.

*Section 4*

each Local Union or unit to have monthly general meeting unless bylaws say meeting every three months

(a) (i) Each single-unit Local Union and each unit of an Amalgamated Local Union must hold a regular general meeting of its members at least once a month unless its bylaws provide for general meetings at least once every three months.

(ii) Where a Local Union or unit holds general meetings every three months,

it must have a workplace council that meets and serves as the membership body in each of the intervening two months. The workplace council will be composed of all elected officers of the Local Union or unit, plus additional members elected according to proportional representation as spelled out in the bylaws.

(iii) A single-unit Local Union with a large membership may request the National Executive Board to authorize it to set up a representative workplace council. The council will consist of all elected officers of the Local Union plus additional members elected according to proportional representation as spelled out in its bylaws. This workplace council will serve as the membership body of the Local Union. The council will meet once each month and the Local Union will hold a general meeting at least once a year.

(b) An Amalgamated Local Union that does not have a Joint Council must hold regular general meetings of its members at least once every three months. If there is a Joint Council, the Joint Council will meet at least once a month and the Amalgamated Local Union will hold a general meeting of its members at least once a year.

(c) A Local Union or unit membership may decide to postpone meetings during the summer.

*Section 5*

In their bylaws, all Local Unions must include rules governing meeting attendance by members holding any Local Union office. The Local Union will set non-monetary penalties that may include automatic removal from office for failing to attend the number of meetings required in the bylaws. Local

where every 3 months, must have workplace council to be membership body in other 2 months

council consists of all elected officers + reps elected proportionally

Local with large membership can ask NEB to set up workplace council to be membership body. council meets monthly, general meeting yearly

Amalgamated Locals with no Joint Council meet every 3 months

Joint Councils meet monthly, one general meeting a year

may put off summer meetings by a motion or in bylaws

bylaws to include rules governing attendance and non-monetary penalties must be NEB approved before effective

## ART. 30-31

Union bylaws on this subject must be approved by the National Executive Board before becoming effective.

### *Section 6*

Local may hire staff doing bargaining must be member for one year

A Local Union may employ service and organizational staff, if authorized by its bylaws. Any such staff member who serves the Local Union members and represents them in collective bargaining with employers must have been a member of the National Union in continuous good standing for one year.

### *Section 7*

no subordinate body or member has authority to speak for or commit the National Union without written permission

No subordinate body, nor any of its officers, agents, representatives or members has the authority to represent, act for, commit or bind the National Union in any matter except where the National Executive Board or the National President has given that authority in writing.

## ARTICLE 31 Local Union Building Corporation

### *Section 1*

Local may form corp. to own property members same as Local members Corp. board same as Local executive

A Local Union may organize a corporation to hold title to real property for the benefit of the Local Union. It must be a membership corporation, with membership and voting privileges identical to the membership of and voting privileges in the Local Union. The corporation's Board of Directors must be the Executive Board members of the Local Union. All provisions of this constitution that relate in any way, and can be applied, to the relationship between the National Union and Local Unions apply with equal force to the relationship between the National Union and a Local Union corporation.

*Section 2*

All real estate and property of any nature belonging to the Local Unions that make up the Canadian Region of the UAW under the international constitution remain the property of the Local Unions upon their merger and amalgamation with this Union under this constitution. The property will be held and administered by the Local Unions as newly-chartered locals under this constitution.

UAW Local Union property remains their property when they become CAW-Canada

**ARTICLE 32  
National Union Building Corporation**

The real estate and property of the National Union may be held and administered either under a building corporation or a trusteeship set up by the National Executive Board. The National Executive Board will always maintain and administer this real estate and property. The board may decide to transfer, sell and how to use it.

NEB may set up corp. or trusteeship to hold National property  
NEB makes decisions on its use

**ARTICLE 33  
Membership Mailing List**

A Local Union must not make its membership mailing list available to anyone except for official Union business or to satisfy a legal requirement.

no giving out membership list

**ARTICLE 34  
Local Union Officers**

*Section 1*

All Local Union official representatives, whether elected or appointed, will have the duty and obligation to support, advance and carry out all provisions of this constitution, all official policies of the National Union, and all official policies of the Local Union, to the extent where they remain con-

all officials have duty to support and advance National and Local policies

## ART. 34

sistent with National policies and the constitution.

### *Section 2*

Exec Board has authority if urgent action needed cannot do vital business without membership approval

(a) The Local Union Executive Board will have the authority to represent the Local Union between meetings when urgent business requires action. However, the Executive Board must not transact any business that may affect the vital interests of the Local Union until it has the approval of the membership.

sign contracts outside bargaining

(b) To conduct the affairs of the Local Union and in keeping with CAW-Canada objectives, the President, Vice-President or Financial Secretary has the authority to sign, administer and enforce any contract between the Local Union and another party. This is subject to the provisions in (a) and does not apply to collective bargaining.

### *Section 3*

Executive Officers

(a) Each Local Union will have the following Executive Officers: President, Vice-President or Vice-Presidents, Recording Secretary, Financial Secretary, three Trustees, Sergeant-at-Arms and Guide **and a retired worker (if the local has a chapter)**.

Executive Board includes Officers and members-at-large.

(b) The Local Union Executive Board will consist of all Local Union Executive Officers and as many members-at-large as the Local Union deems necessary. The election of all members-at-large, whether they are elected directly or hold the position because they were elected to another office, must follow the procedures set out in Section 5 of this article.

(members-at-large might include affirmative action positions)

number set by Local

(c) The term of office for all elected officials of Local Unions and units is three years.

term of office for all elected officials 3 years

*Section 4*

(a) No member is eligible for election as an Executive Officer until s/he has been a member in continuous good standing in the Local Union for one year immediately prior to the nomination. The exception is in a newly organized Local Union or unit. **A retired member is not eligible to seek election as an executive officer of a local union with the exception of the position as identified in Article 34, Section 3 (a) above.**

must be member for a year to be eligible for Exec. Off.

retired member not eligible to seek election as executive officer of a local union

(b) The Local Union will determine eligibility for election to other Local Union offices, committees, etc.

Local sets eligibility for other offices

(c) **A retired worker shall be elected by the members of the local union retirees chapter as described in Article 48, Section 2(c).**

retired worker elected by members of retirees chapter

*Section 5*

**Each Local Union must establish its own set of rules to govern elections, that have been ratified by their respective membership and approved by the National Union, and must be consistent with the rules outlined in the "GUIDE TO LOCAL UNION ELECTIONS" that is published by the National Union.**

Local Union establish own rules to govern elections consistent with "GUIDE TO LOCAL UNION ELECTIONS"

(a) Unless the National Executive Board authorizes otherwise, elections will take place during May or June by secret ballot.

elect by secret ballot in May or June

(b) Only nominated candidates may be elected.

no write-in candidates

(c) It takes a majority of votes cast to be elected to be a Local Union Executive Officer.

majority needed for Exec. Off.

(d) Members-at-large will be elected by plurality vote, unless the Local Union members decide a majority vote is required.

members-at-large by plurality unless Local decides majority

## ART. 34

7 days notice  
nomination  
7 days be-  
tween nom.  
and election  
15 days no-  
tice of elec-  
tion

install at next  
meeting

rules for  
electing Exec.  
Officers, con-  
vention dele-  
gates

all members  
entitled to  
vote. Must  
vote person-  
ally

election com-  
mittee super-  
vises all  
elections

membership  
sets dates

election at  
specified  
times and  
places

advance poll  
if in bylaws

candidate  
cannot be on  
Election  
Committee

candidate  
can have  
name on bal-  
lot as s/he  
wants

(e) Members must be notified seven days in advance of the time and place of nominations. There must be at least seven days between the time of nominations and the date of the election. A notice containing the time and place of elections and the time and place for any possible run-off election must be given to members at least 15 days before the election.

(f) Those elected will be installed at the next regular meeting.

### *Section 6*

The following rules must apply to all elections of Local Union Executive Board members. They also apply to electing National Convention delegates, unless different procedures are set out in Article 9.

(a) Every member in good standing is entitled to vote at all Local Union elections. Each member must cast her/his vote personally.

(b) All elections must be supervised by a democratically elected Election Committee.

(c) The Local Union membership body must set all election dates.

(d) Elections will be held during specified dates and hours at the specified polling place(s).

(e) A Local Union may include in its bylaws a provision to use an advance poll.

(f) No candidate can be a member of the Election Committee that is supervising the election.

(g) A candidate has the right to submit in writing her/his commonly known name to the Election Committee and to have it appear on the ballot as s/he has written it.

(h) Each candidate has the right to have one challenger present when the votes are cast and when they are tabulated. The challenger must be a member of the Local Union.

candidate can have a challenger who must be Local member

(i) Following the election, the Election Committee must report the results in writing to the next membership meeting.

election committee reports in writing to next membership meeting

(j) All ballots and other election records in any election must be kept for one year. Then the Local Union may destroy them unless an appeal is pending. In this case, they must be preserved until the appeal has been decided and the decision is final.

must keep ballots and records for one year or until appeal process is done

*Section 7*

(a) Where there is only one nominated candidate for an executive office, that candidate is declared elected.

where only one candidate, declared elected

(b) Where run-off elections are necessary because a candidate fails to receive a majority, the run-off shall be confined to the two candidates receiving the highest number of votes for the office involved.

in run-off only top two remain on ballot

(c) Where three trustees are to be elected and no one candidate receives a majority, the run-off will be confined to the six receiving the highest number of votes. If one receives a majority, the run-off will be among the candidates receiving the second, third, fourth and fifth highest votes. If two receive a majority, the run-off will be between those receiving the third and fourth highest votes.

in run-off for trustees, top 6, 4 or 2 candidates remain on ballot

*Section 8*

If an Executive Officer, whose term is not expiring, wants to be a candidate for another executive office, s/he must resign from her/his present office long enough in advance of the nominating

Exec. Officer wanting to be a candidate for different office must resign to allow elec-

## ART. 34

tions for both to be held at same time

resignation effective at installation

Exec Bd member by virtue of another office ceases being Bd member when leaves other office

vice president fills president vacancy others filled by election

cannot consider protest to election until after 7 days after polls close or at next meeting

prior to meeting, protest in writing to Local if members want new election, Local must first ask Nat. Pres.

meeting to permit the nomination and election of candidates for both offices during the same election. The resignation would become effective at the time of installation.

### *Section 9*

Any Executive Board member who holds the office by virtue of holding another office in the Local Union automatically ceases to be an Executive Board member when s/he ceases to hold the other position.

### *Section 10*

All vacancies in Local Union offices, except President, must be filled promptly by election. The Local Union may use other means for filling the vacancies until the election. If the President's office is vacant, the Vice-President will fill the vacancy for the unexpired term. Where there is more than one Vice-President, the Local Union will set a fair procedure for determining which one will fill the vacancy.

### *Section 11*

(a) No protest to an election can be considered unless it is raised within seven days of the closing of the polls or at the next membership meeting, whichever is later. To be valid, protests prior to the membership meeting must be submitted in writing to the Local Union.

(b) If the members, either in acting on a protest or in voting on an Election Committee recommendation, want to hold a new election, the National President must first order the election. The Local Union must submit a complete report of the circumstances that cause them to want a new election, as well as the official minutes of the membership meeting, to the National President.

Any Local Union member will have the right to submit a written statement to the National President.

(c) As quickly as possible, the National President may decide whether there will be a new election or, if s/he finds the facts sufficiently contradictory, s/he may submit the matter to an Appeals Committee for investigation. Then the National President will follow the Appeals Committee's recommendations.

Nat. Pres. may decide or submit to Appeals Committee

(d) During this period, the candidates who would have been elected if the election had not been challenged will occupy the offices. If the National President orders a new election, it must be held as soon as possible. The officers elected at the second election will hold office during the process of any higher appeal and until otherwise directed by the results of the appeal.

those elected will hold office until new election if a further appeal, those elected in second election hold office until outcome of appeal

(e) The National President's order may be appealed in the usual way. However, if the order is based upon an Appeals Committee recommendation, the appeal will begin with the review of the Appeals Committee recommendations (Article 24 Section 8).

order may be appealed in normal way

(f) A membership decision to refuse to order a new election may be appealed in the usual way (Article 24). Those elected in the first election will hold office during the appeal process and until otherwise directed by the appeal results.

membership decision to refuse new election may be appealed as usual those elected hold office until appeal process done

### *Section 12*

(a) If the National Union investigates and discovers that any member has misrepresented returns, altered, mutilated or destroyed ballots, or engaged in any other fraudulent acts concerning a Local Union election, the National Executive Board may remove the

NEB, if discovers election fraud, may suspend member from office

## ART. 34

special committee to conduct hearing

member from any position s/he may hold until there is a hearing. The board will notify the member in writing of the charges against her/him, give the member due notice and designate a special committee to conduct a hearing and make recommendations in a manner similar to that in Article 24.

by 2/3, may suspend from membership, remove from office, take away right to seek office

(b) The National Executive Board will act on the recommendations in the same way as it does those of Appeals Committees. If it finds the member guilty by a two-thirds vote, the board may

- suspend or expel her/him from membership, or
- remove the member from any position s/he may hold, and/or
- suspend the member's right to seek any office or hold any position in the National Union for up to five years.

member may appeal this action on top of any other

(c) Any member so disciplined will be notified in writing and has the right to appeal under Article 24 Sections 5-10. The procedure in this section is in addition to and exclusive of any other action that may be taken against the member.

### *Section 13*

member convicted of fraud not eligible for office for 2-5 years

Any member convicted of misrepresenting returns, altering, mutilating or destroying deposited ballots, voting fraudulently, intimidating others, or otherwise interfering with a member's right to vote in Local Union elections or strike balloting will be subject to charges. If convicted, the member will not be eligible for any office within the Union for two to five years.

### *Section 14*

Executive Board member recalled

**(a) An elected Executive Board member may be recalled by the members**

s/he represents for failing to perform the duties of the office.

(b) At least twenty five (25) percent of the members s/he represents will sign a petition listing the specific complaints against the said Executive-Board member and file it with the Recording Secretary of the Local Union. The Local Union shall notify the Executive Board member of the specific complaints which will include a copy of the petition. The Local shall post notices of an impending special meeting, at least seven (7) days in advance of the meeting. The agenda for the meeting is restricted to only those specific complaints identified in the petition.

(25) percent sign petition listing complaints

(c) A quorum for the recall meeting shall be fifty (50) percent of those members that the Executive Board member represents. A two (2) thirds majority vote of those members present at the special recall meeting is required to recall an elected Executive Board member.

recall meeting (50) percent of members

(d) The meeting shall be chaired by the President of the Local Union. If the recall petition is against the President, The meeting shall be chaired by the Vice-President.

## ARTICLE 35

### Installation Ceremony

The installation ceremony may be performed by the retiring President, Acting President or any National Representative.

The Installing Officer says:

“Give attention while I read to you the obligation:

“Do you pledge on your honour to

perform the duties of your respective offices as required by the constitution of the Union; to bear true and faithful allegiance to the National Automobile, Aerospace, Transportation and General Workers Union of Canada, (CAW-Canada), to the best of your ability and with complete good faith to support, advance and carry out all official policies of the National Union and this Local Union; to promote a harassment and discrimination-free environment and work to ensure the human rights of all members are respected; to deliver all books, papers, and other property of the Union that may be in your possession at the end of your term to your successor in office, and at all times conduct yourself as becomes a member of this Union?"

Officers respond, "I do."

The Installing Officer then says:

"Your duties are defined in the laws of the National Automobile, Aerospace, Transportation and General Workers Union of Canada, (CAW-Canada), and in your obligation; should any emergency arise not provided for in these, you are expected to act according to the dictates of common sense, guided by an earnest desire to advance the best interest of the National Union and this Local Union. I trust you will all faithfully perform your duties so that you may gain not only the esteem of your brothers and sisters, but what is of even more importance, the approval of your conscience.

"You will now assume your respective offices."

## ARTICLE 36

### Duties of Local Union Officers

#### Section 1

The President will chair all Local Union meetings, enforce the constitution and appoint committees not otherwise provided for. The President will sign all requisitions for expenditures authorized by the Local Union and countersign all cheques issued by the Financial Secretary. The President will be an ex-officio member of all committees **with the exception of the election committee.**

President chairs meetings, enforces constitution, appoints committees, signs requisitions and cheques

Ex-officio member of committees

#### Section 2

The Vice-President(s) will assist the President in her/his duties and attend all Local Union meetings. If the President is absent or incapacitated, the Vice-President will perform the President's duties. Where there is more than one Vice-President, the Local Union will determine which one will assume the duties.

Vice-President helps President, assumes duties if President absent

Local will decide which VP assumes duties

#### Section 3

The Recording Secretary will keep a correct record of the Local Union proceedings and sign all requisitions for funds that have been authorized by the Local Union. S/he will read all documents and handle correspondence that does not pertain directly to another officer's duties. S/he will file documents and correspondence for future reference. The Recording Secretary will bring any correspondence requiring action to the members' attention.

Recording Secretary keeps minutes, handles and keeps correspondence, brings matters to membership signs requisitions

#### Section 4

(a) The Financial Secretary will receive all dues, initiation fees, reinstatement fees and all other income for any fund of the Local Union and issue official

Financial Secretary takes in all money, issues receipts

## ART. 36

where check-off, issues one receipt only to company

writes cheques reports monthly in writing income, expenses or previous month, amounts remaining

deposits all money in financial institution

sends monthly report and per capita taxes to National Sec. Treas.

helps National see members receive publication has constitutions and by-laws for members

keeps records of membership

notifies National Sec. Treas.

sends addresses Local Officers

receipts. Where a Local Union has a check-off arrangement for dues, the Financial Secretary will issue one receipt for the cheque received from the company. Individual receipts will not be issued unless the company fails to show the reason for and amount of the deduction on the cheque stub or pay envelope.

(b) The Financial Secretary will write and sign all cheques. Every month, s/he will report in writing to the Local Union's regular meeting. The report will include amounts received and spent during the previous month, listed by kind of income and expenditure, as well as the amounts remaining in the Local Union's funds.

(c) The Financial Secretary will deposit all money in the funds set up in the name and number of the Local Union in banks, credit unions or trust companies as the Local Union Executive Board directs.

(d) By the 20th of each month, the Financial Secretary will send a report to the National Secretary-Treasurer on forms furnished by the National Union, together with the per capita taxes of the preceding month, which begins on the first and ends with the last day. The Financial Secretary will help the National Union to see that all members receive the Official Publication and will make available to each member a copy of the National constitution and Local Union bylaws.

(e) The Financial Secretary will give the National Secretary Treasurer the names and addresses of all the Local Union officers. The Financial Secretary will notify the National Secretary-Treasurer and keep a record of all members initiated, suspended, expelled, de-

ceased, transferred in or out or reinstated. S/he will keep a complete record of all active members of the Local Union, including the date of initiation, the date and cause of suspension or expulsion, the date of reinstatement, the date of death, home address and any other information needed to keep a record of the history of a person's membership.

(f) The Financial Secretary must not make the membership list or records available to anyone except as set out in Article 33.

membership list not available

(g) The Financial Secretary will keep an inventory of all Local Union records and property. When possible, s/he will include the date of purchase and amount paid for each article. S/he will notify members in arrears of the amount of their debt. When asked, the Financial Secretary will turn over the books to the Trustees for audit and approval. On demand of the National Secretary-Treasurer, s/he will produce the books for examination and audit.

inventory union property

tell members in arrears

present books for audit

(h) If it is proven that a Financial Secretary intentionally failed to report monthly the full membership of her/his Local Union to the National Secretary-Treasurer, or if it is proven that a Local Union President or Financial Secretary intentionally refused to sign a cheque to send in the full amount of per capita tax, the Local Union may be suspended until it makes up the deficiency. The officer(s) responsible will not be allowed to hold office for two years.

intentionally failing to report or send in money for full membership results in suspension of Local

officers responsible barred from office for 2 years

(i) The Financial Secretary will deliver all Local Union money, records, and other property to her/his successor.

hand money, records, property to successor

## ART. 36

### *Section 5*

Trustees supervise funds and property audit books see financial officers are bonded

(a) The Trustees will supervise all funds and property of the Local Union. Twice a year, they will audit, or see that a Chartered Accountant selected by the Local Union Executive Board, audits the financial records. For this audit, they will use duplicate forms supplied by the National Union. They will send a copy to the National Secretary-Treasurer immediately. The Trustees will also see that the Local Union's financial officers are bonded in conformity with the laws of the National Union.

see all funds properly deposited, 3 signatures for safety deposit box

(b) The Trustees will see that all funds are deposited in a bank, credit union or trust company in the name and number of the Local Union and that the President and Financial Secretary are signing officers. In Local Unions that have safety deposit boxes, the Trustees will see that the signatures of the President, Financial Secretary and one Trustee are required.

if books more than 15 days late for audit, chair reports to next Local meeting

(c) If the books are not received for audit 15 days after the end of each six-month period, the Chair of the Trustees will ask the next Local Union meeting to act.

### *Section 6*

Sergeant-at-Arms introduces members, visitors, keeps order

The Sergeant-at-Arms will introduce all new members and visitors and assist the President in preserving order when called upon to do so. S/he also will take charge of all property of the Local Union not otherwise provided for and perform other duties as assigned.

### *Section 7*

Guide makes sure those at meeting enti-

The Guide will maintain order, inspect membership receipts or cards, make

sure that all present are entitled to remain in the meeting, and perform other duties as assigned.

pled to be there, maintains order

*Section 8*

(a) As well as the duties outlined in this article, Local Union Officers will perform other duties as their bylaws set out or the Local Union may direct.

Local bylaws, Union may set out more duties

(b) All Local Union officers must comply with the provisions of this constitution.

(c) All Local Union officers, committees, stewards and other members handling funds or other property of the Local Union must turn over all funds, property and records to their successors.

all officers must turn over money, records to successors

**ARTICLE 37**  
**Duties of Local Union**  
**Members**

*Section 1*

It will be the duty of each member to conscientiously seek to understand and exemplify by practice the intent and purpose of her/his obligation as a member of this National Union.

member's duty to understand and practise obligation as a member

*Section 2*

Each member has the duty to help brother or sister members in case of illness, death or distress.

help other members

*Section 3*

Each member has the duty to participate in all municipal, provincial and federal elections.

participate in elections

*Section 4*

A member who counterfeits or imitates National Union dues receipts, insignia, label or buttons, or deliberately uses them, may, after a trial, be subject to expulsion.

member may be expelled for counterfeiting

## ARTICLE 38

### Opening and Closing Ceremonies

opening "I now declare this meeting of Local Union No.      of the National Automobile, Aerospace, Transportation and General Workers Union of Canada, (CAW-Canada), open for the transaction of such business as may properly come before it."

suggested agenda The following order of business is suggested, but a Local Union may change it:

1. Roll call of officers
2. Read minutes of the previous meeting
3. Application for membership
4. Voting on applications
5. Initiation of candidates
6. Report of Financial Secretary
7. Reports of officers, committees and delegates
8. Communications and bills
9. Unfinished business
10. Good and Welfare
11. Does anyone know of a member out of work or in distress?
12. New business
13. Closing

use Bourinot for procedure Bourinot's Rules of Order will be used to decide questions of parliamentary procedure.

## ARTICLE 39

### Initiation Ceremony

Guide escorts new member to President The President will say to the Guide: "You will now place the candidate before me for the obligation." The Guide escorts the candidate to the President. All new members will take the follow-

ing pledge before they are admitted to full membership in the union:

“I pledge my honour to faithfully observe the constitution and laws of this union and the Charter of Rights and Freedoms; to comply with all rules and regulations of the government thereof; not to divulge or make known any private proceedings of this union; to faithfully perform all the duties assigned to me to the best of my ability and skill; to so conduct myself at all times as not to bring reproach upon my union, and at all times to bear true and faithful allegiance to the National Automobile, Aerospace, Transportation and General Workers Union of Canada, (CAW-Canada).”

new member  
pledge

## ARTICLE 40

### Local Union Committees

#### *Section 1*

The Local Union must have the following standing committees: Constitution and Bylaws, Education, Environment, Recreation, Community Services, Human Rights, **Union in Politics**, and Women's. The Local Union may decide to set up additional committees. The Local Union or workplace organization in an Amalgamated Local will decide whether committee members will be elected or appointed.

standing  
committees

Local may  
add

Local or unit  
decides if  
members ap-  
pointed or  
elected

#### *Section 2*

Each Local Union must have an education committee to promote all aspects of education affecting the welfare of the members, the union and the labour movement. Local Unions must make every reasonable effort to participate in the National Union's education programs and to promote training for local elected leaders at every level.

locals to have  
an education  
committee  
and partici-  
pate in train-  
ing

## ARTICLE 41 Elected Workplace Representatives

### *Section 1*

workplace  
reps elected  
3-years  
take oath

All Stewards, Committeepersons and other workplace representatives are to be elected for three-year terms. They must take the oath of office as noted in Article 35.

### *Section 2*

rep may be  
recalled for  
failing to per-  
form duties

(a) An elected workplace representative may be recalled by the members s/he represents for failing to perform the duties of the office.

members  
sign petition,  
rep notified,  
recall meet-  
ing held, 2/3  
vote needed  
to recall

(b) Members s/he represents will sign a petition listing the specific complaints against the representative and file it with the Local Union or unit. The Local Union or unit will notify the representative of the specific complaints and will give due notice to the members of a special meeting for recall. A two-thirds vote of the members present at the special meeting is required to recall.

number of  
signatures  
and quorum  
size in by-  
laws

(c) Each Local Union or unit will set out in its bylaws the number of petitioners required for a recall and the quorum needed to hold a recall meeting.

### *Section 3*

reps elected  
by and from  
specific  
groups if  
NEB ap-  
proved

With National Executive Board approval, elected workplace representatives may be elected exclusively by and from appropriate groups as happens in some ratification procedures where skilled trades and related workers, production workers, office workers, engineers, and technicians vote separately (Article 19, Section 3 b).

### *Section 4*

No protest to an election can be considered unless it is raised within seven

days of the closing of the polls or at the next Local Union or unit membership meeting, whichever is later. To be valid, protests prior to the membership meeting must be submitted in writing to the Local Union.

protest 7 days after or at next meeting

If, as a result of the protest, the Local Union orders a new election and the order is appealed, the election will not be held until the National President rules on the matter.

Nat. Pres. must order new election

*Section 5*

The Bargaining Committee may or may not consist of the Local Union's Executive Board members.

Bargaining committee does not have to be Exec. Bd

**ARTICLE 42**

**Local Union Finances**

*Section 1*

Local Union funds must be used to defray all necessary expenses. Expenditures must be approved by the Local Union in membership meetings.

funds to be used for necessary expenses must be approved by membership

*Section 2*

All Local Union appeals for funds to other Local Unions must be approved by the National President before being recognized. Such requests will be approved or disapproved promptly.

Local appeals to other Locals require National approval

*Section 3*

No Local Union will loan money from union funds to any member at any time.

no loans from union funds

**ARTICLE 43**

**Local Union Dues**

*Section 1*

A Local Union or unit of an Amalgamated Local may set membership dues in an amount higher than the minimum described in Article 17, Section 2. Or, if its dues are higher than

Local may set higher dues or reduce to minimum

## ART. 43-44

the minimum, it may decrease its membership dues to an amount not less than the minimum.

### *Section 2*

rati-  
fied by  
majority in  
secret ballot  
and ap-  
proved by  
National  
President

The Local Union or unit of an Amalgamated Local will give the members at least seven days' notice of the proposed change and the meeting where it will be decided. This action requires a majority of the votes cast by secret ballot at the meeting. Before the dues are changed, it must also be approved by the National President.

### *Section 3*

may be pro-  
cedure for  
forfeiting  
membership  
for non-pay-  
ment of dues  
without  
charges

A Local Union or unit of an Amalgamated Local may have a procedure that a member who is delinquent because of not paying dues forfeits her/his membership without having charges laid against her/him.

## ARTICLE 44

### Local Union Audits

#### *Section 1*

Jan. 1 to  
Dec. 31

The fiscal year of the Local Union will begin on the first day of January and end on the 31st day of December.

#### *Section 2*

Trustees  
audit or have  
books audit-  
ed twice a  
year  
report to  
Local and  
Nat. Sec.  
Treas.

Trustees have the duty to audit or have a Chartered Accountant audit their Local Union books semi-annually. They will use the forms supplied by the National Union. The Trustees will submit the report to the Local Union and a copy to the National Secretary-Treasurer.

#### *Section 3*

Nat. Sec.  
Treas. can  
look into dis-  
crepancies  
with Nat.  
Pres. or NEB  
permission

(a) If there are inaccuracies or discrepancies, the National Secretary-Treasurer, with approval from the National President or the National Executive Board, has the authority to assign a

representative or Chartered Accountant to take charge of and audit all financial books, records and accounts of the Local Union.

(b) The representative or chartered accountant will give the report and findings to the Local Union President and the National Secretary-Treasurer.

report to Nat. Sec. Treas and Local Pres.

*Section 4*

(a) If a National Union investigation or any audit indicates that any member, alone or with others, has received or spent Union funds improperly or otherwise has engaged in financial misconduct, the National Secretary-Treasurer will submit written details to the National President. These will include the exact nature of the alleged misconduct, the amount involved and when it happened.

if financial misconduct indicated, Nat. Sec. Treas. writes details to Nat. Pres.

(b) Within 15 days of receipt, the National President will send a copy by registered mail to the accused member. If the member pays back the money or corrects the financial misconduct, the President may end the investigation. However, if the member does not make restitution or correct the misconduct, or if the President judges further proceedings are warranted, the President may decide to hold a hearing.

if member makes restitution Pres. may decide not to proceed hearing if member does not make restitution or if Pres. decides to proceed

(c) Within 20 days after notifying the member, the National President will appoint a National Executive Board member or members or a staff member to conduct a hearing. Within 10 days after selecting a hearing officer, the officer will notify the member and the National Secretary-Treasurer in writing where and when the hearing will be. The hearing must be held not less than 15 days nor more than 30 days after notifying the member and the Secretary-Treasurer. It will be held as

Pres. appoints NEB or staff rep to conduct hearing  
notice to member and Nat. Sec. Treas. of hearing  
both may appear with counsel, witnesses

## ART. 44

report within  
21 days

close as practical to where the member lives. The Secretary-Treasurer and the member (or their representatives) may appear with any counsel and witnesses they choose. The officer will conduct a fair hearing and submit a written report to the National President within 21 days of its close.

Pres. decides,  
may order re-  
imburse-  
ment, sus-  
pend from  
office or right  
to seek office

(d) The National President will decide the case based on the records and recommendations submitted by the hearing officer. If the President decides there has been financial misconduct, s/he may order reimbursement and may suspend the member from her/his office or the right to seek any office. The member will be notified promptly.

may appeal  
within 30  
days

(e) Within 30 days of the notification, the member may appeal the President's decision under Article 24.

if NEB does  
not rule on  
appeal in 120  
days, suspen-  
sion lifted au-  
tomatically

(f) A suspension that is appealed will be lifted automatically if the National Executive Board does not rule on it within 120 days of the beginning of the appeal. If the member does not appeal within the 30 days, or if the National Executive Board upholds the suspension by a two-thirds vote, the member is removed from any position s/he holds and may not seek election or appointment until there is full restitution and the suspension is lifted by a two-thirds vote of the National Executive Board.

if member  
does not ap-  
peal, or NEB  
upholds sus-  
pension,  
member re-  
moved from  
office

cannot seek  
another until  
full restitu-  
tion and NEB  
lifts suspen-  
sion

Any member so suspended, whose appeal has been denied by the National Executive Board, may further appeal the suspension either to the Public Review Board or the Convention Appeals Committee as provided for in Article 24.

procedure in  
addition to  
other action

(g) The procedure in this section is in addition to and separate from any

other action that may be taken against the member.

*Section 5*

A Local Union will not, in any circumstances, write off the books or otherwise settle a sum that was spent or received improperly until it has the National Secretary-Treasurer's approval.

Local Union cannot write off sum until Nat. Sec. Treas. approves

*Section 6*

If it is claimed that a member owes non-dues money to the Local Union, the National Union or the National Strike Insurance Fund and has not paid it, the Local Union will conduct a hearing. The member will be notified in writing of the hearing and the details of the claim. If the hearing finds that the member owes the money, s/he will be notified in writing and given 30 days to pay. If the member fails to pay in the 30 days, the decision and hearing records will be sent to the National President. If the National President decides the hearing was conducted properly, s/he will tell the member and her/his Local Union that the member may not participate until the debt is paid.

if member owes non-dues money, Local conducts hearing if member fails to pay, hearing records go to Nat. Pres. Pres. tells member cannot take part in union affairs until debt is paid

The member will have the right to appeal the President's decision under Article 24.

**ARTICLE 45**  
**Strikes**

*Section 1*

(a) A Local Union or the National Executive Board may call a strike vote when a Local Union or unit is in dispute with an employer about the negotiating of a collective bargaining agreement or other serious issue. All Local Union or unit members must receive notice of the vote. Two-thirds of those

Local or NEB may call strike vote secret ballot, 2/3 required to ask NEB for permission

## ART. 45

voting by secret ballot is needed to request strike authorization from the National Executive Board. Only members in good standing will be entitled to vote.

where sections ratify separately, same method for strike votes and voting on contract changes

(b) Where a Local Union or Corporation Council has a different ratification procedure as set out in Article 19 Section 3 (b), and the National Executive Board has approved it, they will use the same method for accepting or rejecting contract changes and the taking strike votes.

### *Section 2*

if no settlement, Rep recommends to Nat. Pres., who polls NEB members for strike approval

(a) If a Local Union bargaining committee and the National Representative assigned to it cannot reach an agreement with the employer, the Representative will submit a full report to the National President, including a recommendation of approval or disapproval of a strike. The National President will send a copy to each National Executive Board member together with a request for their vote on whether to approve a strike. Upon receipt of the Board members' votes, the President will quickly notify in writing the National Representative and the Local Union of the decision.

emergency, National President may approve strike

(b) In an emergency, where delay would seriously jeopardize the welfare of those involved, the National President, after consulting other National Officers, may approve a strike with written authorization.

### *Section 3*

only NEB and National President have authority to authorize strike or boycott

Only the National Executive Board and the National President have the power and authority to call, lead or engage in a strike or work stoppage, or to encourage any workers to take part in a strike or, in the course of their

jobs, refuse to use, make or handle a particular item. Neither the National Union, nor a Local Union, nor a subordinate body, nor any of their officers, members, representatives or agents have this power, except as authorized by the National Executive Board or the National President.

*Section 4*

(a) To end a strike, the Local Union or unit will call a special meeting where a majority vote by secret ballot of all members present will decide.

majority secret ballot vote at special meeting to end strike

(b) If the National Executive Board decides it is unwise to continue a strike, it will order the members involved to resume work. If the members do not comply, the National Union may stop all assistance.

NEB may order members to return to work and stop assistance

Any such action must be confirmed by the CAW Council or the Quebec Council.

confirmed by CAW or Quebec Council

*Section 5*

A Local Union or unit engaging in a strike without authorization is not entitled to assistance from the National or any Local Union.

unauthorized strike not entitled to help

*Section 6*

With National Executive Board approval, the National President may revoke the charter of any Local Union engaging in unauthorized strike action. This action will cancel all privileges, powers and rights of such Local Union.

NEB may revoke charter for unauthorized strike

*Section 7*

In an extreme emergency, when the existence of the National Union and the preservation of members' rights and living standards are involved, the National President and the National Executive Board may declare a general

for a general strike, referendum vote of members, then 2/3 of NEB

## ART. 45-46

majority of  
NEB to end it

strike within the industry. The strike must first be approved by the members in a referendum and then be approved by a two-thirds vote of the National Executive Board. A majority vote of the National Executive Board will be required to end a general strike.

## ARTICLE 46 Family Auxiliaries

### *Section 1*

families of  
members  
may set up  
family auxil-  
iary

The National Union is committed to family involvement in the Union's activities. Where the families of members of a Local Union wish to improve conditions, protect the interests of the Union, and foster a better understanding within the family of the Union's goals and activities, a charter for a Family Auxiliary will be granted on application.

### *Section 2*

charter fee  
\$10

The National Secretary-Treasurer will supply an application form. The fee will be \$10 for the charter and initial supplies.

### *Section 3*

dues not  
more than  
50¢

Auxiliary dues will not be more than 50 cents a month per member. The National Union will not charge a per capita tax.

### *Section 4*

bylaws rati-  
fied by NEB

The Auxiliary will set up its bylaws so that they do not conflict with the bylaws of its Local Union or this constitution. It will submit the bylaws to the National Executive Board for ratification.

### *Section 5*

must follow  
constitution  
and Local by-  
laws, NEB  
may revoke  
charter

The Auxiliary must follow this constitution and its Local Union bylaws and not adopt policies contrary to the National or Local Union. The National

Executive Board may revoke its charter for an infraction of the constitution or at the request of the Local Union.

*Section 6*

Family Auxiliaries will be administered through the National President's Office.

administered through Nat. Pres.

*Section 7*

The National President may call national conferences of the Auxiliaries.

national conferences

*Section 8*

Family Auxiliaries have a duty to adhere to the principles and policies of their Local Union and the National Union; to help their Local Unions in time of need and during labour disputes; and to assist Local Unions in social affairs when called upon. Local Unions will help to set up Family Auxiliaries. Family Auxiliaries will not campaign for or against candidates seeking office in Local Unions. Family Auxiliaries will not interfere in Local Union affairs.

duty to help Locals, not interfere, not campaign in Local elections

*Section 9*

No CAW-Canada Local Union member is eligible for membership in a Family Auxiliary.

CAW member cannot join auxiliary

**ARTICLE 47  
Union Label**

*Section 1*

The National Union will have a Union label and stamp.

national union label and stamp

*Section 2*

The National Secretary-Treasurer will copyright and protect the Union label and stamp.

Sec. Treas. to copyright

*Section 3*

The National Union and subordinate bodies will insist that all equipment

everything used to have union label

## ART. 47-48

and supplies used to manufacture articles under the jurisdiction of the National Union bear either the CAW-Canada label or another union label.

### *Section 4*

to be written into agreements

Union representatives will insist that these provisions be written into all contracts between employers and the National Union.

### *Section 5*

label not to be put on items made where no contract

No item produced by workers under CAW-Canada jurisdiction will carry the label or stamp unless the workplace has a contract approved by the National Executive Board.

### *Section 6*

Local duty to see label on all items

The Local Union has the duty to see that the National Union label is placed on all items produced by CAW-Canada members.

### *Section 7*

Locals to educate members about boycotts encouraged to buy union-made products and services

Local Unions will educate their members about boycotts supported by the Canadian Labour Congress and endorsed by CAW-Canada. Local Unions and members are encouraged to buy union-made products and union services.

## ARTICLE 48 Retired Workers

### *Section 1*

The National Executive Board will establish a retired worker structure within the National Union.

### *Section 2 Chapters*

25 or more retired members, Local set up Retired Workers Chapter

(a) A Local Union with 25 or more retired workers will maintain a Local Union Retired Workers Chapter. The Local Union will amend its bylaws appropriately.

- (b) The Chapter will hold a general meeting of its members at least once a month. meeting once a month
- (c) The Chapter's members will elect a retired worker to be a member of the Local Union Executive Board with voice and vote, using the election procedures set out in Article 34, Section 3 (b). elect a retired worker to Local Exec. Board
- (d) The Local Union President or designee will be a member of the governing board of the Local Union Retired Workers Chapter with voice and vote. Local Union Pres. or designee member of Chapter's exec.
- (e) Local Union Retired Workers Chapters will conform with National Union policies. conform with National policies

*Section 3 Area Councils*

- (a) The National President will establish Area Retired Workers Councils in designated geographic areas, or by combination of designated Local Unions, or on another reasonable basis. Nat. Pres. set up area councils
- (b) The National Executive Board may set up more Area Retired Workers Councils, if needed, to permit retired workers to participate in locales where they have settled in considerable numbers. NEB may set up more where numbers warrant
- (c) Area Retired Workers Councils may be either membership or delegate bodies, as the National President decides. If a Council is a membership body, all retired workers within its jurisdiction may join the Council. can be membership or delegated bodies  
if membership, all retired workers can join
- (d) The President of each Local Union within the jurisdiction of an Area Retired Workers Council is entitled to name one delegate to the Council. Local Pres. entitled to name one delegate

*Section 4 National Council*

The National President will set up a National Retired Workers Council with representation as follows: Nat. Pres. set up National delegated council

- (a) Each Local Union Retired Workers

## ART. 48

each chapter  
one delegate

if more than  
1,000, one  
more for each  
1,000

NEB may in-  
crease rep.

Councils set  
by Pres. have  
3 delegates

Councils set  
by NEB have  
one

Local Pres.  
names one  
delegate

Nat. Adv.  
Exec meet  
quarterly  
chair, vice-  
chair, sec.  
serg., five  
board mem-  
bers.

One elected  
from Quebec,  
four by Na-  
tional Coun-  
cil

3-year term

NEB consults  
with Nat.  
Adv. Exec.

elected Adv.  
Ex. members  
delegates to  
conventions

delegates to  
CAW and  
Quebec  
Councils

Chapter is entitled to one retired work-  
er delegate.

(b) Each Chapter with more than 1,000  
members is entitled to one additional  
retired worker delegate for each 1,000  
members or major part of 1,000. The  
National Executive Board may ap-  
prove additional representation.

(c) Each Area Retired Workers Council  
that was set up by the National Presi-  
dent is entitled to three retired worker  
delegates. Each additional Council  
that was created by the National Exec-  
utive Board is entitled to one retired  
worker delegate.

(d) Each Local Union is entitled to one  
delegate named by the Local Union  
President.

### *Section 5 Advisory Executive*

(a) A National Retired Workers Advi-  
sory Executive will be established and  
will meet quarterly. It will be com-  
posed of a chair, a vice-chair, a secre-  
tary, a sergeant-at-arms, and five Advi-  
sory Executive Board members. One  
Advisory Executive Board member  
will be elected from Quebec and the  
remaining four will be elected by the  
National Retired Workers Council. The  
term will be for three years.

(b) The National Executive Board will  
consult with representatives of the Na-  
tional Retired Workers Advisory Exec-  
utive about programs and policies that  
affect retired workers.

(c) Each elected member of the Nation-  
al Retired Workers Advisory Executive  
is automatically a delegate to CAW-  
Canada conventions with voice and  
one vote each.

(d) The chair, vice-chair, a secretary, a  
sergeant-at-arms and three Advisory  
Executive board members are auto-

matically delegates to the CAW Council with voice and one vote each. The Advisory Executive board member elected from Quebec is automatically a delegate to the Quebec Council with voice and one vote.

*Section 6 Membership and Dues*

(a) Membership in the Retired Workers bodies is open to any member entitled to retired membership status, as set out in Article 6, Section 12. open to any member entitled to retired status

(b) Retired workers are not required to pay dues during retirement. To assist in financing, voluntary retired membership dues are \$1 per month. A Local Union that wants to increase the amount must have National Executive Board approval. voluntary dues \$1  
Local may increase with NEB approval

(c) Dues will be allocated as follows:

- 55 cents to National Retired Workers Fund, of which 10¢ goes to the Area Retired Workers Council 55¢ to Nat.  
45¢ to Chapter  
10¢ of 55¢ to Area Council
- 45 cents to Local Union Retired Workers Chapter NEB decides on Nat. fund

The National Executive Board will decide the distribution of funds from the National Retired Workers Fund. Each Local Union Retired Workers Chapter Fund shall be held by the Local Union for disbursement upon the request of the Retired Workers Chapter. Local holds chapter funds for their request

*Section 7 Bylaws*

The National Retired Workers Council, the Area Retired Workers Councils, and the Local Union Retired Workers Chapters will have bylaws that are consistent with this constitution and approved by the National Executive Board. bylaws approved by NEB

**ARTICLE 49**

**Severability**

if one part  
found in-  
valid, rest of  
constitution  
still in force

If any provision of this constitution is prohibited by law and therefore invalid, or found to be void or unenforceable, this does not invalidate any remaining provisions in this constitution.

**CAW-CANADA ETHICAL  
PRACTICES CODES**

**Democratic Practices**

constitution  
makes sure  
members  
have full de-  
mocratic  
rights, in-  
cluding  
rights of ap-  
peal

CAW-Canada is proud of its democratic heritage. Its constitution is designed to ensure all members have their full democratic rights, both as individuals and through their elected representatives, to express themselves freely and to participate at all levels in the decisions governing the Union. Moreover, individual rights are protected against infringement or abuse, for members may appeal decisions concerning the administration of the Union to the Local Union, the National Executive Board and the Constitutional Convention; and members have the right to submit appeals to the Union's Public Review Board, which comprises citizens with national reputations outside the labour movement, whose decisions are final and binding.

The democratic principles that have always governed the National Union and its Locals are

members full  
share in gov-  
erning,  
speech, vot-  
ing, election  
for office,  
criticize

1. Each member is entitled to share equally in governing the Union. Each member has full freedom of speech and the right to participate in the democratic decisions of the Union. Subject to reasonable rules and regulations, each member has the right to run for office, to nominate and to vote in free, fair and honest elections. In a

democratic union, as in a democratic society, all members have rights, but they also must accept corresponding obligations. All members have the right freely to criticize the policies and personalities of Union officials; however, this does not include the right to undermine the Union as an institution, to vilify other members of the Union and its elected officials, to carry on activities with complete disregard of the rights of other members and the interests of the Union, to subvert the Union in collective bargaining, or to advocate or engage in dual unionism.

does not include right to undermine union as an institution or to vilify

2. Membership meetings will be held regularly, with proper notice of time and place. They will be conducted in an atmosphere of fairness.

regular meetings, fairly run

3. All Union rules and laws must be fairly and uniformly applied. Disciplinary procedures, including adequate notice, full rights of the accused and the right to appeal, will be fair and give full due process to each member.

apply laws and rules fairly

4. Each Local Union will maintain adequate safeguards so that all its operations are conducted democratically and fairly. No corruption, discrimination or anti-democratic procedure will ever be permitted.

no corruption, discrimination, anti-democratic procedures

### Financial Practices

Union funds are held for the benefit of the membership. Members are entitled to assurance that Union funds are spent for proper purposes. Members are also entitled to be reasonably informed as to how Union funds are invested or used.

funds are held for membership members entitled to be kept informed

1. The National Union and its Local Unions will conduct their ownership functions, including all contracts for purchase or sale or for rendering

conduct ownership functions like well-run institutions

## CODES

secure competitive bids

housekeeping services, in line with the practices of well-run institutions. They will secure competitive bids for major contracts.

will not invest funds to benefit an officer or rep

2. The National Union and its Local Unions will not permit any funds to be invested in a way that results in the personal profit or advantage of any officer or representative of the Union.

no contracts to benefit of-ficer or rep  
no officer or rep to accept profit from business  
Union bar-gain with

3. No contracts to buy, sell or supply services will result in the personal profit or advantage of any officer, representative, or employee of the Union. Nor will any officer, representative or employee of the National Union or any Local Union accept personal profit or special advantage from a business with which the Union bargains.

no loans

4. Neither the National Union nor any of its Local Unions will loan money to its officers, representatives, employees or members, or members of their families.

## Health, Welfare and Retirement Funds

no one to receive money from benefits fund unless set out in NEB approved collective agreement

1. No official, representative or employee of the National Union or a Local Union will receive fees or salaries of any kind from a fund set up to provide health, welfare or retirement benefits, except for reasonable reimbursement provided for in a collective bargaining agreement and expressly approved by the National Executive Board.

no ties with outside agencies supplying services

2. No official, employee or other person acting as agent or representative of the National Union or a Local Union, who has responsibility or influence in administering health, welfare and retirement programs or placing insurance contracts, will have any compromising personal ties, direct or indirect,

with outside agencies such as insurance carriers, brokers, or consultants doing business with health, welfare and retirement plans.

3. Complete records of the financial operations of all the Union's health, welfare and retirement funds and programs will be maintained in accordance with the best accounting practice. Each fund will be audited regularly.

complete records, audited regularly

4. All audit reports will be available to the Union members covered by the fund.

records available to members

5. The trustees or administrators of such funds will make a full report to the members covered by the fund at least once each year.

report once a year

### **Business and Financial Activities of Union Officials**

Any person who represents CAW-Canada and its members, whether elected or appointed, has a sacred trust to serve the best interests of the members and their families. Therefore, every officer and representative must avoid any outside transaction that gives even the appearance of a conflict of interest. The special fiduciary nature of Union office requires the highest loyalty to the duties of the office.

must avoid even the appearance of conflict of interest

1. The Union's mailing lists are valuable assets. To protect the interests of the entire membership, Union officers and representatives will not, under any circumstances, turn over a Union mailing list to an outsider for use in the promotion or sale of any goods or services that benefit an individual or a private concern. Mailing lists are to be used only to promote the necessary legitimate functions of the Local Union and for no other purpose.

mailing lists to be used only for union business

2. No officer or representative will

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no financial interest to conflict with Union duty

have a personal financial interest which conflicts with her/his Union duties.

no substantial interest in any business Union bargains with

3. No officer or representative will have any substantial financial interest (even in the publicly-traded, widely-held stock of a corporation except for stock-purchase plans, profit sharing or nominal amounts of such stock), in any business with which the CAW-Canada bargains.

no kick-backs, gifts

4. No officer or representative will accept "kick-backs," under-the-table payments, valuable gifts, lavish entertainment or any personal payment, other than regular pay and benefits for work performed as an employee from an employer with which the Union bargains or from a business or professional enterprise with which the Union does business.

principles apply to third parties where used to hide activity

5. The principles of this Code apply to investments and activities made by third parties on behalf of such officials or representatives.

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