



TELECOMMUNICATIONS WORKERS UNION  
SYNDICAT DES TRAVAILLEURS (EUSES) EN TÉLÉCOMMUNICATIONS

# CONSTITUTION

**Suggested Procedure  
of Meetings**

**Benevolent Society  
Constitution & Bylaws**

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EFFECTIVE OCTOBER 2011

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**TELECOMMUNICATIONS  
WORKERS UNION  
CONSTITUTION**

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## **ARTICLE I**

### **Name**

This Organization hereinafter referred to as the Union shall be known as the Telecommunications Workers Union.

## **ARTICLE II**

### **Affiliation**

It is the policy of this Union to maintain affiliation with the Canadian Labour Congress and related Labour Federations, and any other organization approved by Convention and ratified by the membership.

## **ARTICLE III**

### **Objects**

1. To organize workers in communications and related fields in Canada.
2. To improve the wages and working conditions of workers through the process of collective bargaining.
3. To assist in advancing the social, economic and general welfare of working people by promoting just and equitable legislation.
4. To provide for the defence and extension of the civil rights and freedoms of workers, and the preservation of free democratic trade-unionism.
5. To offer equal opportunity and treatment to all members regardless of race, colour, creed, sex, age, national origin, sexual orientation, political or religious affiliation or disability. R  
84.11.30
6. To promote the interests and well-being of retired members of the TWU. R  
08.10.14
7. To preserve and promote the history of the TWU. R  
08.10.14
8. To provide labour education to the membership. R  
08.10.14

## **ARTICLE IV**

### **Authority and Structure**

1. The Convention shall be the highest governing authority of the Union, subject to restrictions imposed by this Constitution.
2. The Executive Council shall exercise the Authority of the Convention between conventions. It shall take such action and render decisions necessary to carry out fully the resolutions and instructions of the Convention and to enforce the provisions of this Constitution subject to the right of appeal to the Convention.

3. The President as the principal officer of the Union, shall have sole authority to interpret this Constitution and to carry out the policies of the Union in accordance with the Constitution and the mandates of the Convention subject to the right of appeal to the Convention.
4. The Locals of the Union shall conduct their affairs in accordance with this Constitution, and any Local By-laws they may adopt which do not contravene any provision of this Constitution or stated policy of the Convention.

**ARTICLE V**  
**Membership**

1. Membership in this Union shall be open to all workers in the communications or related fields except those excluded by legislation.
2. Application for membership shall be made on a form prescribed by the Union.
3. All applications for membership with the exception of those who resigned under the Collective Agreement maintenance of membership clause and with the exception of those who become members due to an organizing drive at an unrepresented employer, shall be referred to the Membership Committee of the Local for approval.

R  
91.01.16

Members signed up during an organizing drive shall have their membership applications considered by a special Membership Committee established by the Executive Council. When applications are approved, the applicants shall be initiated and their initiation shall be recorded by the Local, or where applicable, the Executive Council.

4. All applications for membership must be accompanied by either a signed authorization to deduct initiation fees, or by an amount equivalent to the initiation fees of the Union or by any such other amount as may be required by legislation.
5. Former members who resigned from the Union, or have been expelled from the Union, shall make their applications for reinstatement through the Local Membership Committee to the Convention. The Convention shall then accept or reject the applications.
6. A member who is assisting another Union or organization, which is engaged in working to the detriment of the TWU, shall not hold office in the TWU.
7. Upon application in writing, a member in good standing leaving the services of their employer shall receive a withdrawal card. Should the holder of a withdrawal card later return to the jurisdiction of the Union they will not be required to pay the initiation fee but will be required to pay a reinstatement fee in the amount of \$1.00.
8. Membership in the Union will automatically terminate when a member assumes any permanent position of employment which places them outside the jurisdiction of the Union.
9. Honorary membership shall be granted to all Retired Members of the Union in good standing.
10. Retiree Members are former members of the TWU, who left the TWU as a member in good standing and are in receipt of a pension and a member in good standing of a retiree's local.

R  
09.07.21

R  
09.07.21

R  
08.10.14

TWPP members who are eligible for a deferred TWPP pension are eligible for membership in a Retirees' Local.

11. A member of the Union laid off or who otherwise leaves the employment of a Company certified with the Union may remain a member of the Union as an Associate Member by paying to the Secretary-Treasurer, on or before the 15<sup>th</sup> of the month, the sum of one dollar (\$1.00) to be deposited in the General Fund. R  
97.11.05
12. An Associate or Honorary Member shall be entitled to attend Local Meetings. They shall have a voice but shall not be eligible to hold any office or be entitled to any voting privileges. R  
82.11.30
13. A member in good standing is a member who is not expelled and is not under any penalties outlined in Article XVIII, Section C, Paragraph 1- Penalties.

## **ARTICLE VI Dues and Assessments**

### **1. Dues**

- (a) Each member of the Union shall pay the membership dues and initiation fees established by Convention, subject to membership ratification.
- (b) The membership dues of the Union shall be 1.7% of gross earnings per four (4) week period. The dues shall be allocated with 1.3% being paid to the Administration Account. The remaining 0.4% shall be allocated the Benevolent Society. R  
08.10.14
- (c) Each applicant for membership in the Union shall pay an initiation fee of five dollars (\$5.00).
- (d) Notwithstanding the above, any application for membership received from an individual who is one of a group of employees for whom the Union is seeking certification under the Provincial Labour Codes or the Canada Labour Code, shall pay the minimum initiation fees prescribed in the appropriate legislation.
- (e) Retiree members shall pay dues of \$1.00 per year. R  
08.10.14
- (f) Each retiree applicant for membership in the Union shall pay an initiation fee of one dollar (\$1.00). R  
08.10.14

### **2. Assessments**

- (a) One special assessment in any one calendar year not to exceed one day's pay may be levied by the Executive Council or Convention with a 66-2/3% majority in cases of emergency or when income is inadequate to finance the necessary expenses of the Union but only after ratification by referendum of the membership. R  
86.12.21
- (b) Additional assessments may be levied by the Executive Council or Convention but not until the additional assessment has been ratified by referendum of the membership.
- (c) Retiree members shall be excluded from any assessments. R  
08.10.14

## **ARTICLE VII Conventions**

### **1. Convention**

The Union shall meet annually in Convention by a date, time and place selected by the Convention. In the absence of such selections, the date, time and place shall be determined by the President, with the approval of Executive Council.

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09.07.21

### **2. Special Convention**

- (a) Special Conventions may be called by the Executive Council at any time.
- (b) Special Conventions may be called upon the request of 25% of Convention Delegates. Special Conventions will commence between 20 and 40 days from the date the request is received by the President.
- (c) Special Conventions as may be required to meet the needs of a bargaining unit to prepare for bargaining may be called by Executive Council at any time. Such conventions when called shall be referred to as "Bargaining Conventions". The effected bargaining unit shall be named in the Convention call, and only local delegates from the effected bargaining unit shall be seated as delegates.

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09.07.21

### **3. Convention Call**

- (a) The Secretary-Treasurer of the Union shall notify in writing all Delegates of the time and place of the Convention not later than 14 days in advance.
- (b) In the case of Special Conventions, the Executive Council shall provide at least 7 days' notice giving the time and place of the Convention together with a statement of the business to be considered.

### **4. Composition of Convention**

- (a) The Convention shall be comprised of members of the Executive Council, Chair and Vice-Chair and Local Delegates elected in accordance with Local Bylaws. Provincial Minimum Representation shall be on the following basis as determined by the official provincial membership count as determined by the Union office on November the 1<sup>st</sup> preceding the Convention.

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07.07.12

1 delegate for each 100 members.

Each Local Minimum Representation shall be on the following basis, as determined by the official membership record in the Union office on November 1<sup>st</sup> preceding the Convention.

1-100 one delegate, and one delegate for each 200 or portion thereof.

Where the total number of delegates to be elected by Locals within the Province is seen to be lower than Provincial Minimum Representation it shall cause the following to occur.

The difference between the total numbers of delegates elected by the Locals in the Province, and the Provincial Minimum Representation for that Province shall be calculated. Where the number of delegates elected by Locals within the Province equals or exceeds the Provincial Minimum Representation no further action shall occur. Where the number of delegates elected by Locals within the Province is lower than the Provincial Minimum Representation, then this shortfall of representation shall be distributed for election by the Locals within that Province as additional delegates. This distribution shall be as follows:

**Each Local within the Province shall be listed largest to smallest. Starting at the largest and working toward the smallest, each Local shall be eligible to elect one (1) additional Delegate. This distribution shall continue until the shortfall of representation is exhausted. If all Locals have elected one (1) additional delegate and there is still a shortfall, the largest Local will be eligible to elect one (1) Additional Delegate. This distribution shall continue until the shortfall of representation is exhausted. The total number of delegate positions distributed to Locals shall not exceed the shortfall in representation.**

R  
11-10-17

Retiree local members shall not be considered when determining Provincial Minimum Representation.

R  
08.10-14

Each Retiree local shall be represented on the following basis, as determined by the official membership record in the Union office on November 1<sup>st</sup> preceding the Convention.

R  
08-10-14

1-100 members, one delegate, and one delegate for each additional 200 members or portion thereof.

The total number of delegates from the Retirees' Local shall not exceed six (6).

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08.10.14

- (b) Each Local may elect an Alternate Delegate for each Delegate elected who shall attend the Convention in the event the regular Delegate is unable to attend.
- (c) When a Delegate is elected Chair of the Convention a duly elected Alternate Delegate from their Local shall serve as the Convention Representative for the duration of the Chair's term.
- (d) In the event that the Convention Delegate and the Alternate are unable to attend Convention, a member of the Local Executive shall attend in their place. The Local Secretary shall be responsible for notifying the Credentials Committee of this change.

## **5. Voting**

- (a) Each delegate shall have one vote in the Convention.
- (b) Retiree delegates shall have a vote on pension issues only.

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## **6. Certification of Delegates**

Each Local shall inform the Secretary-Treasurer of the Union of the names of their Delegates and Alternate Delegates immediately following their election.

## **7. Powers of Convention**

The Convention shall have the power to:

- (a) Approve the number of Delegates seated by a Local at the Convention.
- (b) Establish policies to be followed by the Union.
- (c) Amend this Constitution subject to membership ratification.
- (d) Do all things necessary for the proper disposition of any business brought before it.

## **8. Attendance**

Any member in good standing of the Union may attend the Convention as an observer at their own expense.

## **9. Officers**

- (a) The Chair and Vice-Chair shall be elected at the TWU Annual Convention by and from the Convention Delegates for a term of two (2) years. R  
09.07.21
- (b) Members of the Executive Council shall not be seated at the Convention as Delegates. They shall have the right to speak on any issue but shall not have the right to vote.

## **10. Convention Rules**

- (a) The Convention will be governed by this Constitution and by a set of rules adopted at the start of the Convention.
- (b) When recognized by the Chair, the member shall identify themselves and when speaking shall confine their remarks to the question at issue.
- (c) No question of a sectarian nature shall be discussed.
- (d) Speeches shall be limited to three (3) minutes except in moving a motion when the member shall be allowed five (5) minutes. When making a report there shall be no time limit. R  
93.01.14
- (e) A member shall not speak more than once on a subject until all who wish to speak have had an opportunity to do so. If the mover of the motion has not exercised their right to speak, the Chair may recognize them at any time.
- (f) A member shall not interrupt another except to call a point of order or urgent point of privilege.
- (g) If a member be called to order, they shall at the request of the Chair take their seat until the question of order has been decided.
- (h) Should a member persist in unparliamentary conduct, the Chair will be compelled to name them and submit their conduct to the judgement of the Convention. In such case the member whose conduct is in question should explain and then withdraw, and the Convention will determine what course to pursue in the matter.

- (i) If a report of a committee is adopted, it becomes the decision of the Convention. If defeated it may be referred back to the committee for reconsideration. Unless otherwise specified, any decision taken by the Convention shall take effect immediately upon adjournment of the Convention.
- (k) When a motion to reconsider is approved by a 66-2/3% majority the motion may be reconsidered immediately.
- (l) Any situation not governed by the preceding will be governed by Bourinot's Rules of Order.
- (m) No resolution from a Local of this Union shall be brought to the floor of Convention without being first passed by that Local at a properly constituted Local Meeting. Such resolution must properly appear in the Minutes of the meeting at which it was passed. This would not apply to emergency resolutions.**

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11-10-17

## 11. Convention Order of Business

Shall be the agenda adopted by Convention as the first Item of Business.

## 12. Convention Expenses

- (a) The Union shall pay the normal and usual expenses incident to the Convention.
- (b) Retiree Locals shall pay the expenses of their delegates incident to the Convention.

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08.10.14

## ARTICLE VIII Executive Council

1. The Executive Council of the Union shall consist of the following:

- (a) President
- (b) Vice-President(s)
- (c) Secretary-Treasurer
- (d) All other elected salaried Officers

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2. The President shall have a full voice at Executive Council meetings and shall only vote in event of a tie.

3. The Executive Council shall meet a minimum of nine times per calendar year at the call of the President.

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03-09-01

4. The Executive Council shall have authority to:

- (a) Oversee the affairs of all Locals to ensure that they adhere to the policies of this Union as established by the Convention and by the Executive Council.
- (b) Plan, direct and implement organizing, publishing, education and research projects as they deem advisable.

- (c) Approve the membership jurisdiction of all Locals of the Union.
  - (d) Approve and issue charters to new Locals subject to subsequent Convention approval.
  - (e) Suspend the provisions of any by-law or rule of a Local which is inconsistent with the terms of this Constitution subject to appeal to the Convention.
  - (f) Attach recommendations to the Executive Council Report to Convention.
5. (a) The Executive Council members shall be Delegates to all conventions such as Canadian Labour Congress and related Labour Federations as elected by Convention.
- (b) Where affiliation is by the Union, the Executive Council shall determine the number of Delegates.
6. The Executive Council shall have the authority to establish and dissolve any non-elected committees upon such terms and conditions as they deem to be in the best interests of the Union.
7. Oath of Office for President

In installing you as President of the Telecommunications Workers Union, as Convention Chair, I wish to impress upon you the importance of your office.

The confidence of the Delegates is placed in you to give this Union the best of your service, to give your decision impartially without fear or favour for the benefit of the Union and its membership.

**Do you accept this responsibility?**

Please raise your right hand and repeat after me, using your name where I use mine.

“I, \_\_\_\_\_, in the presence of these witnesses faithfully promise to obey and enforce the Constitution and Policies of the Union. I also promise to perform the duties of this office to the best of my ability.”

8. Oath of Office for Elected Officers

You have been elected by the Delegates of this Convention, as their Officers, for the ensuing term. Please raise your right hand and repeat this Oath of Acceptance after me, using your name where I use mine:

“I, \_\_\_\_\_, do hereby solemnly swear to observe and uphold the Constitution and Policies of the Union, and fulfill the duties for which I have been elected, respect the dignity of the Chair and advance to the utmost of my ability the aims and objects of the Union at all times.”

**ARTICLE IX**  
**Officers and Their Duties**

**1. President**

The president as the principal officer of the Union shall:

- (a) Execute the policies of the Union as established by the Convention. If the policy has not been clearly formulated, they will call together the Executive Council who will determine said policy subject to appeal to the Convention.
- (b) Preside over the meetings of the Executive Council.
- (c) Call meetings of the Executive Council as required by this Constitution and any special meetings required to carry out the objects and principles of this Union.
- (d) Be the official spokesperson for the Union in all matters but may authorize counsel or other agents or officers of the Union to speak for the Union in their stead.
- (e) Be responsible for the selection, hiring or termination of all office staff and non-elected personnel of the Union subject to Executive Council approval.
- (f) Hold no other office in the Union.
- (g) Receive an annual salary and expenses established for the office by the Convention.
- (h) Have sole authority to interpret this Constitution subject to appeal to the Convention.
- (i) Have signing authority on all matters pertaining to their office.

**2. Vice-President(s)**

- (a) The Vice-President(s) shall be full-time officers of the Union and shall be elected by Convention, and shall perform the duties of the President in their absence and other T.WU. duties as determined by the President.
- (b) Should a vacancy occur in the office of Vice-President(s), the Executive Council shall appoint a successor to serve until the next Convention, at which time a successor will be elected. In the case of a temporary absence of the Vice-President(s), the Executive Council may appoint an interim replacement.
- (c) Have signing authority on all matters designated by Convention.
- (d) Receive an annual salary and expenses established for the office by Convention.

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98.05.15

**3. Secretary-Treasurer**

The Secretary-Treasurer shall act under the direction of the President and the Executive Council and shall:

- (a) Attend all meetings of the Convention and the Executive Council and shall cause a faithful record to be made of all proceedings.

- (b) Safeguard all contracts, books, records, monies, securities and all other properties of the Union not otherwise directed by this Constitution.
- (c) Have custody of the Union Seal and cause it to be impressed upon such documents as the President or Executive Council may direct.
- (d) Supervise the maintenance of such membership lists as may be required by the Union and shall cause a collection of per capita dues, assessments and any other monies due the Union.
- (e) Cause the funds belonging to the Union to be deposited in a bank or credit union or in such other manner as may be approved by the Finance Committee of the Union.
- (f) Cause the payment of proper bills and expenses of the Union when evidenced by satisfactory statements or vouchers, by cheques signed by such persons as may be designated by the Executive Council.
- (g) Invest the funds of the Union as instructed by the Convention, or by the Finance Committee in the absence of such instruction by the Convention.
- (h) Prepare, publish and distribute to the Executive Council a monthly financial statement which shall list the total receipts and disbursements.
- (i) Submit the Union's books for audit not less than once a year to auditors selected by the Executive Council.
- (j) Be bonded for an amount to be determined by Convention annually.
- (k) Surrender all contracts, books, records, monies, securities and all other properties of the Union in their custody to their successor.
- (l) Perform all duties imposed upon them by this Constitution and such other duties as shall from time to time be assigned to them by the Convention, the President or the Executive Council.
- (m) Not normally hold another office in the Union which shall be at the discretion of the Convention. They shall receive an annual salary and expenses established by Convention for the office.
- (n) Should a vacancy occur in the office of Secretary-Treasurer, the Executive Council shall appoint a successor to serve until the next Convention at which time a successor will be elected. In the case of a temporary absence of the Secretary-Treasurer, the Executive Council may appoint an interim replacement.
- (o) Ensure that Resolutions received from Locals shall be referred to appropriate Committees.

#### **4. Business Agents**

- (a) The Business Agents shall be full-time officers of the Union and shall be elected by Convention. They shall perform day to day servicing of the Membership and such other duties as assigned by the President.

- (b) Should a vacancy occur in the office of Business Agent, Executive Council may appoint an interim elected Alternate Business Agent. If the vacancy remains at the next convention, a successor will be elected. In the case of a temporary absence, an elected Alternate Business Agent may be assigned to perform the duties of Business Agent.
- (c) Receive an annual salary and expenses established for the office by Convention.

## 5. Chair and Vice-Chair

- (a) The Chair shall preside at all Convention meetings and shall perform all other duties incident to such office.
- (b) The Vice-Chair shall act pro-tem in the absence of the Chairman and shall perform all other duties incident to such office.

## ARTICLE X Locals

1. Locals shall be chartered by the Executive Council to represent the members in their respective jurisdiction relating to Local matters.
2. Locals shall be identified by number.
3. Convention will determine the Local jurisdiction which will be assigned and described at the time the charter is issued. Subsequent jurisdiction changes may be made by Convention.
4. No Local charter shall be issued which grants jurisdiction in conflict with that of another Local.
5. Applications for charter shall be in writing to the Convention and shall be signed by at least 50 persons who are eligible for membership in the Local. In special circumstances, the number of signatures may be waived by the Convention.
6.
  - (a) The charter of a Local may be revoked or suspended by the Executive Council for refusing or neglecting to conform to or abide by any directions or decisions of the Convention, or Executive Council, any referendum vote of the membership, or any constitutional or bylaw requirements.
  - (b) The charter of any Local shall not be revoked until the Local has been served a proper written notice of the charges against it and an opportunity to be heard in its defence. The Local shall be given at least (10) ten days to prepare its defence after receiving notice from the Secretary-Treasurer of the Union of any charges. The hearing will be conducted before the entire Executive Council at a time and a place designated by the Secretary-Treasurer. A vote of at least 66-2/3% of the Executive Council shall be required to find a Local guilty of charges before imposing a suspension, revocation of a charter or any other penalty. In the event the Local fails to comply with the penalties or to appeal within the allotted time, the charter will be automatically revoked. The findings shall be published to all Locals.
  - (c) A Local may appeal the findings or penalties imposed by the Executive Council to the next Convention by giving written notice to the Secretary-Treasurer of the Union within 30 days after the publication of the findings of the Executive Council. No penalties shall become effective pending the disposition of the appeal.

- (d) A 66-2/3% vote of the Convention shall be required to sustain the findings of the Executive Council in the event of an appeal.
- (e) A 66-2/3% vote of the Convention shall be required to modify the penalties imposed by the Executive Council.
- (f) Should there be a final decision revoking the charter of a Local, the Executive Council may temporarily take control of the Local's affairs through a temporary administrator, who shall, subject to the directions of the Executive Council, take such action as may be necessary to guarantee the continuous operation of the Union and protect its interests.

7. Local Executive

- (a) The Locals shall have an elected Executive consisting of:
  - President;
  - Vice-President(s);
  - Secretary-Treasurer;
  - Convention Delegate(s);
  - Councillor(s);
  - and other Officers as Local Bylaws may specify.
- (b) Each Local shall have a number of Councillors who shall be those people elected as Convention Delegates. Alternate Convention Delegates will be considered as Alternate Councillors.

8. The authority of the Locals shall be:

- (a) To adopt, repeal or amend by-laws and rules to be consistent with this Constitution.
- (b) To administer the affairs of the Local within their jurisdiction in accordance with this Constitution and policies of the Union as established by Convention.
- (c) Prepare and submit policy recommendations to Convention. R  
91.01.16
- (d) Prepare recommendations for negotiation to Convention or to the negotiation package meetings for the Bargaining Unit or Units represented in the Local. R  
91.01.16
- (e) To do all other things necessary for the proper disposition of all matters which may come before the Local for consideration.

9. The duties of the Locals and Local Executive shall be:

- (a) To supply the Secretary-Treasurer of the Union with the names of all Local officers and any subsequent changes.
- (b) To furnish the Secretary-Treasurer of the Union with copies of the Local Bylaws and rules and any revisions as they may be made.
- (c) To encourage all Local officers, stewards and members to participate in Union approved labour education programs.

- (d) To keep rank and file members informed of Union activities and policies.

## **ARTICLE XI**

### **Election of Officers**

#### **1. Executive Council**

- (a) The President, Vice-President(s) and Secretary-Treasurer shall be elected at the Convention by a secret ballot. They shall hold office for a period of three (3) years unless removed or until their successor has been duly elected and installed. R  
98.05.18
- (b) The Business Agents and Alternate Business Agents shall be elected at the Convention by a secret ballot. They shall hold office for a period of three (3) years unless removed or until their successor has been duly elected and installed. R  
01.04.30
- (c) The Convention shall elect the President, Vice-President(s), Secretary-Treasurer, Business Agents and Alternate Business Agents from nominations received from the floor of the Convention. Only members in good standing of the Union will be eligible for elections. A majority of votes cast will be required before a candidate is declared elected. Should the first ballot not produce a majority of votes for any one candidate, the candidate polling the least number of votes will be dropped from the ballot. This procedure will continue until one candidate polls a majority of votes. R  
98.05.15
- (d) Should a vacancy occur on the Executive Council during the elected term, the position vacated will be filled by election at the next regularly scheduled Convention, for the remainder of the unexpired term.
- (e) Only members of the union in good standing shall be eligible to vote or hold elective office.

#### **2. Local Officers**

- (a) Locals shall adopt by-laws and rules to govern the nomination and election of Officers, Delegates and Alternate Delegates, the appointment, selection or election of Stewards and the filling of vacancies.
- (b) Only members of the Union in good standing shall be eligible to vote or hold elective office.
- (c) The election by Locals of Officers and Delegates and Alternate Delegates to the Union Convention shall be by secret ballot among the members in good standing. A majority of votes cast will be required before a candidate is declared elected.
- (d) Each ballot must contain a number of votes corresponding exactly to the number of positions to be filled on that ballot.

## **ARTICLE XII**

### **Recall**

1. Any elected salaried Officer of the Union is subject to recall:
  - (a) By a resolution to the Convention passed by a Local at a General Meeting.  
or
  - (b) By the written request of a majority of Convention Delegates for a Special Convention.  
or
  - (c) By a Special Convention called by a majority of the Executive Council.
2. A 66-2/3% vote of the Delegates present at a duly constituted Convention shall be required for recall.
3. Recall of Local Officers shall be in accordance with Local By-laws.

## **ARTICLE XIII**

### **Convention Committees**

#### **1. The Convention Committees**

The Convention Committees of the Union shall be at least the following:

R  
91.01.16

- (a) Constitution Committee
- (b) Finance Committee
- (c) Education Committee
- (d) Bargaining Committee
- (e) Credentials Committee

#### **2. Constitution Committee**

The Constitution Committee shall be elected by Convention. It shall be charged with the duty of considering and reporting to the Convention and to the Executive Council on proposals to change this Constitution. All recommendations from Locals referring to Constitutional changes shall be presented to this Committee. The Constitution Committee will make recommendations to Convention on changes to the Constitution and Policies of the Union that they feel are needed.

R  
00.06.01

R  
07.07.12

#### **3. Finance Committee**

The Finance Committee shall consist of the Secretary-Treasurer of the Union and members elected by Convention. The Secretary-Treasurer shall be the only member of the Executive Council who is a member of this Committee and shall not serve as Chair of the Committee. The Committee shall meet prior to the assembling of the regular Convention and at the call of the Chair and review the financial operation of the Union, including the audits of the books of the Secretary-Treasurer. The Committee shall make a report of its findings to the Convention and make recommendations to the Convention including a budget for the succeeding year's operations. The Committee shall be charged with developing in consultation with the Executive Council and approved professionals, the investment policies for the funds of the Union.

R  
00.06.01

The Secretary-Treasurer shall have a voice but not vote on this Committee.

**4. Education Committee**

The Education Committee shall be elected by Convention. It shall be charged with the duty of considering and reporting to Convention and Executive Council on all matters pertaining to membership education. All recommendations from Locals referring to membership education shall be presented to this Committee.

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00.06.01

**5. Bargaining Committees**

The Bargaining Committees shall consist of the President and a structure determined by the affected Bargaining Unit, subject to approval of the Convention or the Executive Council in the case of a newly organized Bargaining Unit.

R  
97.11.16

**6. Credentials Committee**

The Credentials Committee shall be appointed by the President. It shall be charged with the duty of registering the eligible Delegates and maintaining an attendance record. The Committee shall serve throughout the Convention and report to the Convention upon request.

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00.06.01

**7. Other Committees**

The Convention, or the President with approval of the Executive Council, may appoint such other Committees as are necessary.

**8. Vacancies on Committees**

A vacancy will occur on all elected Convention Committees when a member ceases to hold Convention Delegate's credentials.

The election of all committees shall include two alternates receiving majority of votes. These alternates shall fill vacancies for the remainder of the unexpired term of the Committee.

R  
82.11.30

Except as otherwise required by this Constitution, whenever a vacancy occurs on any appointed Committee, the President with the approval of the Executive Council may appoint a member to serve for the unexpired term of the Committee.

**ARTICLE XIV  
Pension Trustees**

1. The Telecommunication Workers Pension Plan Trustees named by the Union shall consist of the President, Secretary-Treasurer and two (2) elected at Convention by secret ballot.

R  
93.01.14

In the event that the President or the Secretary-Treasurer or both are not members of the TWPP the trustee positions shall be elected from nominations received from the floor of Convention. Any members of the Pension Plan who are in good standing of the Union will be eligible for election.

R  
09.07.21

The elected Trustees shall hold office for a period of six (6) years unless removed or until their successor has been duly elected.

2. The Delegates who are members of the Telecommunication Workers Pension Plan shall elect the Trustees from nominations received from the floor of Convention. Only members of the Pension Plan who are members in good standing of the Union will be eligible for election. A majority of votes cast will be required before a candidate is declared elected.

R  
98.05.15

Members desiring to be a candidate for election as a Trustee may submit a written resume to the Union one month prior to Convention for circulation to the Delegates. Each candidate will have an opportunity to make a 5-minute speech at Convention.

3. Should a vacancy occur among the Trustees, the President shall appoint a successor with the approval of Executive Council. The successor shall serve until the next Convention when where will be an election for a Trustee to serve for the balance of the vacated term.
4. When a Trustee is not fulfilling their duties, they may be recalled by a resolution to the Convention. A 66-2/3% vote of the Delegates present at a duly constituted Convention shall be required for recall.

A Trustee who is subject to the recall process shall be afforded the opportunity to make written or oral submission to the Convention.

## **ARTICLE XV**

### **Finances**

1. (a) The Union shall pay expenses for Officers and members on Union business in accordance with recommendations of the Finance Committee and approved by Convention.  
(b) Retiree Locals are responsible for expenses of their members on Union business unless approved by Executive Council.
2. When travelling on official Union business during non-working hours, straight time wage rates shall apply.
3. All monies paid must be covered by a voucher and any receipts that may be required.
4. Donations up to the amount of \$1,000.00 may be made by the Executive Council for worthy causes.
5. The fiscal year shall end on the last day of February.
6. The Union shall exercise no borrowing powers whatsoever except when necessary to replace funds depleted as a result of lockout or strike action, and then only by unanimous decision of the Executive Council.
7. Sick Committees are empowered to spend up to thirty dollars (\$30.00) per sick member. A member must be absent over ten (10) working days - one time only per sickness.
8. No Local may make a donation exceeding the sum of fifty dollars (\$50.00). No further donation may be made to that same cause by the Local within the calendar year without the approval of the Executive Council of the Union.

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R  
91.01.16

**ARTICLE XVI**  
**Collective Bargaining**

**1. Authority**

- (a) All agreements entered into shall be in the name of the Union unless prohibited by law and shall bear the signature of an authorized Union representative.
- (b) Collective bargaining with employers shall be conducted by the Bargaining Committee of the affected Bargaining Unit. R  
91.01.16
- (c) Subjects for Collective Bargaining will include such policy objectives of the Union as are determined by Convention and the affected Bargaining Unit. No item shall be in the subject of negotiations which contravenes bargaining policy established by the Convention. R  
93.01.14
- (d) Each Bargaining Unit shall hold negotiating package meetings to determine their negotiating objectives. R  
98.05.15
- (e) The President or their designated appointee will act as chief spokesperson for the Union at all bargaining sessions.

**2. Contract Ratification**

Agreements negotiated through Collective Bargaining shall be subject to ratification by referendum ballot of the members affected.

**ARTICLE XVII**  
**Strikes**

**1. The procedure for taking a strike vote shall be:**

- (a) When the Bargaining Committee considers that all means available through the process of Collective Bargaining have been exhausted, it may at its discretion authorize the taking of a strike vote in the Bargaining Unit affected.
- (b) The Executive Council shall cause a referendum ballot to be issued to all members of the affected Bargaining Unit on the question of whether or not a strike should be called.
- (c) All affected Locals shall upon reasonable notice call a meeting of their members to present the issue or issues involved in the proposed strike.
- (d) Strike ballots shall be counted by three (3) members and witnessed by a registered Notary Public. R  
03.09.01

**2. Upon acceptance of the proposed Collective Agreement by both parties, the strike shall be terminated by the Executive Council.**

**3. Strike assistance, when available, will be made according to the policies determined from time to time by the Executive Council.**

4. Notwithstanding the provisions of this Article, by 66-2/3% majority decision, the Executive Council may take such actions as are necessary to ensure the protection of the objects of the Union and principles of Trade Unionism.

## ARTICLE XVIII

### Offences, Charges, Trials, Penalties and Appeals

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#### SECTION A: Offences

Any member may be disciplined for violation of any of the provisions of this Constitution or Local by-laws, or for violation of the policies of the Union, or for cause detrimental to the welfare of the Union, or for bringing charges under this Article without reasonable grounds for believing such charges to be true, or for crossing or working behind any picket line without authorization from the Executive Council.

#### SECTION B: Procedure On Trials

1. Democratic principles of Industrial Unionism to which the Union subscribes require that every member, body, or Officer shall be entitled to be notified in writing of charges proffered against them, an opportunity to be heard in their defense and a fair trial given. Only after such procedure has been followed can any penalty be imposed.
2. Members charged under the provisions set forth in Section A shall be tried in accordance with the following procedures:

**(a) A trial shall be initiated by the filing of a charge signed by no fewer than two members of the Union in good standing. In no case may charges be filed by an accuser who has not personally witnessed the offence alleged. Such charges shall outline clearly the offence, date, time, and place. Such charges shall be filed no later than 30 days from the first knowledge of the offense. Such charges shall be filed with the Secretary of the Local which the accused is a member.**

R  
11-10-17

(b) Where a member has moved from the territory of one Local but has not transferred to another Local, charges may be filed against them and heard in accordance with this Article in either their former Local or in the Local whose territory they are located.

(c) The charge shall state the act or acts alleged to have contravened Section A of this article.

**(d) The Local secretary shall cause no later than 30 days from receipt of the filed charges a copy of the charges to be served upon the accused either personally, or by registered mail (return receipt requested) to the address of the accused as it appears upon the Union records.**

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11-10-17

(e) Each Local shall have a standing Trial Board Panel consisting of nine members appointed by the President of the Local with the advice and consent of the Local Executive and subject to approval by the Local membership. The Trial Board Panel shall have the same term as Local Officers.

Appointments to fill vacancies on the Panel shall be made by the Local President with the advice and consent of the Local Executive. In the event a matter is referred to a Trial Board, the Local Secretary shall immediately furnish the accused and the accusers with names of

the members of the Trial Board Panel and instruct them to designate a Trial Board of 5 by each striking there from two names.

The five remaining names shall constitute the Trial Board providing that Locals of 50 or fewer members may by By-laws provide for Panels of 5 and Boards of 3 in which case the accused and the accusers shall each strike one name from the Panel.

If after 10 days or upon return of the Panel by the accusers and the accused, more than the requisite number of names remain, the Local Executive shall designate the Trial Board from those names not stricken. A Trial Board once constituted shall have the power to hear and determine the matter notwithstanding the expirations of its terms or any change in the membership eligibility or status of any member thereof.

- (f) Immediately upon appointment, the Trial Board shall meet to elect a Chair and to set a date for the hearing which must be held within 30 days. It shall give the accused and at least one of the accusers 10 days' written notice of the time and place of the hearings personally or by Registered Mail (return receipt requested) and copies shall be available to the remaining accusers. R  
93.01.14
- (g) In the event of trial of more than one member arising out of the same incident or incidents, the trial of each member shall be conducted separately.
- (h) The Trial Board shall conduct the hearing at which the accusers and the accused shall be given an opportunity to be heard, to introduce evidence, examine, and cross examine witnesses. The accused shall have the right to be confronted with evidence and witnesses against them. **The accusers and accused shall have the absolute right to have present as counsel a member of the Union. The accusers and accused shall have the absolute right to have present Legal counsel at their own expense.** The Trial Board may proceed if the accused is absent without satisfactory excuse. A majority vote of the Trial Board shall be required for a decision. A record of the trial proceedings shall be kept by the Local Secretary. R  
11-10-17
- (i) Where either the accused member or those filing the charges believe that a fair trial is impossible in the accused member's Local because of partiality, hostility, or fear of reprisals, that person may apply to the President of the Union for an order that the trial take place before a Trial Board to be selected from a Trial Panel of members of one or more nearby Locals. The expense for such trial shall be borne by the accused member's Local.

**3. Election by the Accused of an Alternative Trial Process. It is a principle within Industrial Unionism to promote at all times good will and unity within the Union. In order to better serve that principle the following Alternate Trial Process shall be available to the Accused.** R  
11-10-17

- (a) **The Accused may at any time after the receipt of notification of charges respond in writing to the Local Secretary their intent to seek the Alternative Trial Process. This response shall contain their willingness to plead guilty to the charge or charges, and their willingness to accept any penalty assessed. This response may be delivered by hand or by registered mail (return receipt requested). Should the selection of the alternative trial process be received after the local trial board has been selected and designated then the trial shall proceed with that trial board in place, and with any dates agreed upon in place. All other provisions of article 18 B (3) shall apply.**

- (b) **The Local Secretary shall notify the accused of the Local Trial Board members. The Accused shall select from this list three members and submit them to the Local Secretary. This process shall be completed no later than 30 days from the date the Local Secretary receives the notification to seek the Alternative Trial Process from the accused. It is the expectation and direction of the Convention that all parties engage this process with good will and co-operation in seeking to set aside the adversarial, and begin a restorative process.**
- (c) **The Local Secretary shall no later than 14 days after the selection of the Trial Board Members notify the selected members. No later than 30 days from such notification the selected Trial Board shall meet to elect a Chair of the Trial Board. The Chair of the Trial Board shall no later than seven days from the election notify the Local Secretary that the Trial Board is ready to proceed.**
- (d) **The Local Secretary, with the Trial Board, and the Accused shall cause to be set a mutually agreeable trial date to be set no later than 60 days from the date the Trial Board indicated it was ready to proceed. Once a date is set the Local Secretary shall notify at least one of the witnesses of the date, time, and place of the trial. Should the setting of a date become adversarial either party may appeal to the President of the Local help in resolving an acceptable date. The President shall have the authority once engaged to set a date for trial. The Convention respectfully, and with all confidence reminds all Local Presidents of their Oath of Office.**
- (e) **The Trial Board shall convene on the day appointed for the trial, unless this is postponed for good reason. A new date shall be set as soon as practicable, and with the provision of the appeal to the Local President brought to mind.**
- (f) **The Trial Board once convened shall begin the trial process. The Local Secretary shall cause to be made a record of the proceedings. The charges as filed shall be read to the accused, and the accused shall enter a plea of guilty. The Accuser may then offer testimony as to the offense, and the Accused offered an opportunity to respond. The accused has the right to waive the testimony of the accuser, the accuser has however the right to enter it. Both the accuser and the accused have the right to the presence of a person of their choice to offer support in this process. The Convention has hope that this process of testimony and response to be used by both the accused and the accuser as a time of listening, hearing, and understanding. It is appropriate that time may be taken during the trial to discuss informally, and unrecorded the offence. This time may be an opportunity to discuss remorse, pressures the accused was under at the time, and possibly a mutually acceptable restitution or assessment. Should the Trial Board and the accused find a mutually acceptable resolution then the Trial Board shall declare that resolution, and the Local Secretary shall record it. Should the resolution have a monetary component the accused shall sign an instrument of indebtedness to the Local (promissory note) with an agreed date for payment. Where resolution is not possible at the trial date the Trial Board conclude the Trial and consider its findings.**
- (g) **Where resolution is not achieved on the date of trial the Trial Board shall deliver its decision no later than 30 days from the trial date. Where a monetary assessment has been made the Chair of the Trial Board and the Local Secretary shall meet with the accused no later than 30 days from the date of the delivery of the decision to have the instrument of indebtedness signed, and a date for payment determined. The Convention hopes again that the spirit of co-operation help determine a date payment.**

## SECTION C: Penalties

1. Upon a verdict of guilty of any charge the Trial Board may impose a penalty of expulsion, suspension, any remedial assessment (not to exceed \$1,000.00), public reprimand or admonishment by the President, special remedial action appropriate to cure the offence or other penalty appropriate to the offence or any combination thereof, and the Trial Board shall determine when any such penalty has been satisfied. Pending satisfaction of a penalty, except expulsion, a penalized member shall be denied the right to attend meetings and any benefits they may receive as a member in good standing. R  
07.07.12
2. Any imposed remedial assessment shall be collected from the member by the Secretary of the Local concerned and shall be paid into Local funds within 30 days. Failure to pay the remedial assessment within 30 days from the date such was imposed shall invoke automatic suspension. R  
07.07.12
3. Expulsion shall mean expulsion from the Union with loss of all benefits.
4. **Penalties and assessments made under Article XVIII, (B) (3) shall be as follows: The decision of a Trial Board convened under Article XVIII, (B) (3) may impose a penalty of suspension, a remedial assessment not exceeding two hundred dollars, public reprimand or admonishment by the President, special remedial action appropriate to cure the offence or any other penalty appropriate to the offence or any combination thereof. The Trial Board shall determine when such penalty has been has satisfied. Should the accused refuse to sign the instrument of indebtedness the provisions of Paragraph 1. of this section shall then apply.** R  
11-10-17

## SECTION D: Appeals

1. An appeal may be taken from the decision of any Local Trial Board to the Trial Board of the Convention. The procedure for appeal referred to in this section shall be invoked by the member by filing notice in writing with the Secretary-Treasurer of the Union of their intention to appeal within 30 days after receipt of the final decision of the Local Trial Board. Where a remedial assessment not exceeding \$100.00 has been assessed as a penalty, payment shall be made to the appellate body at the time the appeal is taken. Such payment shall be returned to the appellant if the decision is reversed, or portion of such payment shall be returned in accordance with such award if the decision is modified. If the decision of the lower trial body is sustained, the payment shall be made to the body having original jurisdiction within 30 days following the award. Where the remedial assessment involved exceeds \$100.00, the appellate body shall require a payment of not more than \$100.00 in order to hear such appeal. R  
07.07.12
2. The appeal notice must state the grounds for such appeal with reasons why the decision of the Local Trial Board should be reversed, varied, amended or set aside.
3. Upon receipt of any such appeal the Secretary-Treasurer of the Union shall notify the Local Secretary, the Local Trial Board and provide copies of appeal papers to them. The Local Trial Board or any party affected by such decision, shall have a right to state reasons in writing within 15 days after receipt of a copy of appeal papers why such decision should be upheld.
4. The Secretary-Treasurer of the Union shall notify the accused and accuser(s), of the time and place of the appeal.

5. The Convention Trial Board shall dispose of such appeal upon the record and documents before it or may determine to allow a new hearing. The accused and accuser(s) shall be afforded the opportunity to make a written or oral submission to the Convention Trial Board.
6. The Convention Trial Board may make such decisions as justice requires and shall have the authority to affirm, set aside or vary the decision of the Local Trial Board in any manner considered reasonable and proper. The decision of the Convention Trial Board shall be rendered within thirty (30) days after the conclusion of the hearing of the appeal.
7. Pending appeal or expiration of time in which appeal may be taken, a member found guilty of any offence shall be in the status of a suspended member.
8. Within 30 days after receipt of any decision of the Convention Trial Board either party may file an appeal to the Chair of Convention. The Convention Chair will then refer the matter to a single arbitrator. The Convention Chair will give the accusers and the accused a list of three (3) arbitrators. If there is no arbitrator agreed to after 14 days then the Convention Chair will appoint the arbitrator. The Arbitrator's decision will be final and binding.

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#### **SECTION E: Penalties In The Case Of Officers**

1. Any Local Officer or member of the Executive Council charged with any violation under Section A shall be tried as a member and tried in accordance with the provisions relating to trial procedure for members. If such an Officer is found guilty then the Executive Council may in their discretion upon receiving notice of the verdict in writing signed by the members of the Trial Board remove that person from office for the balance of the term of office without regard to any penalty imposed against them by the Trial Board.
2. A Local Officer or a member of the Executive Council charged with an offence may be suspended from office by the Executive Council in their absolute discretion if the Local Executive refers the charge to the Trial Board for hearing and determination.

#### **SECTION F: Dereliction Of Duty**

1. A charge against an officer for dereliction of duty may be brought by any five members of the Local in good standing if the person sought to be removed is an officer of the Local or by any ten (10) Convention Delegates if the person sought to be removed is a salaried officer of the Union.
2. Proceedings shall be instituted by the filing of the charge with the Secretary-Treasurer of the Union and in the event the Secretary-Treasurer is the officer so charged proceedings shall be instituted by the filing of the charge with the President and by furnishing the charged officer with a copy of the charge.
3. Such charge shall be in writing signed by the accusers and shall specify the acts or omissions alleged to constitute the dereliction in duty.
4. The charge shall be referred to the Trial Panel of the Local in case the person sought to be removed is a Local Officer and to the remaining members of Executive Council in case the person sought to be removed is a member of the Executive Council. The Trial Board in each case shall hold a hearing to hear and determine the charges no later than 15 days from the date of the filing of the charge. At such hearing the accusers and the accused officer shall be given an opportunity to be heard, to introduce evidence, to examine and cross-examine the witnesses and

the accused officer shall have the right to be confronted with the witnesses and evidence against them and may be represented by a member of the Union as counsel.

5. The Trial Board in each case shall render a decision on the charge within 15 days of the completion of the hearing.
6. The Trial Board in each case has all the powers in trying cases of dereliction of duty as it has when trying offenses under Section C. The verdict of the Trial Boards shall contain a summary of facts found and the reason for the decision and recommend a penalty if any.
7. **Appeals**

Within 30 days after receipt of any decision of the Trial Board, either party may file an appeal to the Chair of Convention. The Convention Chair will then refer the matter to a single arbitrator. The Convention Chair will give the accusers and the accused a list of three (3) arbitrators. If there is no arbitrator agreed to after 14 days then the Convention Chair will appoint the arbitrator. The arbitrator's decision will be final and binding.

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### **SECTION G: Convention Trial Board**

The Trial Board of the Convention shall be appointed annually by the Chair to consist of five (5) members. Appointments to fill any vacancies shall be made by the Convention Chair.

### **ARTICLE XIX Balloting**

1. (a) The Convention or the Executive Council may order a referendum of the membership with respect to any subject or policy within their jurisdiction or as otherwise provided in this Constitution.  
  
(b) Retiree members shall be excluded from referendum ballots.
2. All referendums shall be by secret ballot and voting conducted either by mail or at meetings where members receive prior notification. Referendum ballots shall be accompanied by the proposals to be voted on and shall specify the date of return. A majority of the votes cast shall determine the referendum unless otherwise specified in this Constitution.
3. The ballots shall be returned to the Secretary-Treasurer of the Union by a method that guarantees security.
4. The ballots shall be counted by the Secretary-Treasurer of the Union together with three (3) members. Ballots not marked in the prescribed manner shall be deemed spoiled and not counted in the total votes cast.
5. An absentee ballot may be issued by the Secretary-Treasurer of the Union upon the written request of the individual member prior to the specified meeting and shall be for the sole purpose of voting on matters under the jurisdiction of the Convention or the Executive Council. An absentee shall be considered as a member who is working, sick, on vacation or located in an area making it impossible to attend the meeting where the vote is to be conducted.

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**ARTICLE XX**  
**Quorums**

1. A majority of the delegates shall constitute a quorum for the Convention.

A majority of its members shall constitute a quorum of the Executive Council and any Committee of the Union.

Locals shall provide in their By-laws for the quorum necessary to hold meetings.

**ARTICLE XXI**  
**Mergers**

1. The Officers of this Union shall have the authority to merge with any other union or unions by a membership ballot and shall require sixty-six and two-thirds percent (66 2/3%) majority of votes cast.

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**ARTICLE XXII**  
**Amendments**

This Constitution shall not be amended, altered, deleted or added to except by authority of a resolution passed by the Convention and ratified by the membership. Ratification shall be by referendum ballot and shall require a 66-2/3% majority of the votes cast.

**ARTICLE XXIII**  
**General**

1. Where in this Constitution the masculine is used, it is understood the reference shall include the feminine and vice versa.
2. The Union membership lists shall be in the safe custody of the Secretary-Treasurer of the Union and shall be used only for Union business. The Secretary-Treasurer will distribute complete membership seniority lists to all Local Secretary-Treasurers. The lists shall only include name, job classification and seniority dates. These lists are to be updated annually and be used only for Union business.

**ARTICLE XXIV**  
**Death Benefits**

1. In the event of the death of a member in good standing, a benefit of one thousand five hundred dollars (\$1,500.00) shall be paid to the spouse of the deceased member if living with the member at the time of the death; or to the child or children of the deceased member under the age of nineteen (19) years (or over that age if physically or mentally incapable of self-support), who were actually supported in whole or in part by the deceased member at the time of death.
2. If there be no beneficiary of the deceased member as described in paragraph (1) then, in the event of death, a death benefit not to exceed one thousand five hundred dollars (\$1,500.00) may be paid at the sole discretion of the Executive Officers of the Telecommunications Workers

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Union to one of the following beneficiaries: a child or children nineteen (19) years or older, mother, father, brother(s) or sister(s).

3. Upon the death of a member, if there be no beneficiary qualified to receive an award under the provisions of this Article, the Executive Officers may authorize such payment to provide burial cost, provided, however, that the aggregate amount shall not exceed one thousand five hundred dollars (\$1,500.00).
4. Retiree members shall be excluded from Article XXIV.

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## **SUGGESTED PROCEDURE OF MEETINGS**

### **1. Order Of Business**

1. Opening Ceremony
2. Roll Call of Officers
3. Initiation of Members
4. Application for Membership
5. Reading and approval of Minutes of previous meeting
6. Communications and Bills
7. Reports of Officers
8. Reports of Committees and Delegates
9. Unfinished Business
10. New Business
11. Good of the Order
12. Adjournment and Closing Ceremony

### **2. Opening Ceremony**

By the power vested in me as President of Local \_\_ Telecommunications Workers Union, I hereby declare this meeting open for the transaction of all business that may be legally brought before it.

### **3. Initiation of New Members**

Brother/Sister your application has been accepted by this Union and you are now about to become members. You will raise your right hand and repeat after me, using your name where I use mine:

“I, , do hereby solemnly swear to abide by the Constitution and Policies of this Union and will abide by all the rulings from the Chair and will uphold the dignity thereof at all times. I agree to further the interests of this Union and its members at all times.”

### **4. Installation of Local President**

In installing you as President of this Local, and as Past President, I wish to impress upon you the importance of your office.

The confidence of the membership is placed in you to give the Union and this Local the best of your service; to conduct its meetings in an orderly and efficient manner; to give your decisions impartially, without fear or favor, for the benefit of the Union and its membership.

Do you accept this responsibility?

Please raise your right hand and repeat this oath of acceptance after me, using your name where I use mine.

“I, , in the presence of these witnesses, faithfully promise to obey and to enforce the Constitution and Policies of the Union and the By-laws of this Local. I also promise to perform the duties of this office to the best of my ability.”

## **5. Installation Of Local Officers**

You have been elected by the members of Local \_\_\_, as their Officers for the ensuing term. Please raise your right hand and repeat this oath of acceptance after me, using your name where I use mine:

“I, , do hereby solemnly swear to observe and uphold the Constitution and Policies of the Union, and fulfill the duties for which I have been elected, respect the dignity of the Chair and advance to the utmost of my ability the aims and objects of the Union at all times.”

## **6. Closing Ceremony**

Brothers/Sisters, the business of the meeting being concluded, I thank you for your attendance and wish to impress upon you the importance of being present at all meetings. As President, I declare this meeting closed until our next regular meeting unless specially called.

# **SOCIETY ACT SCHEDULE “A” TELECOMMUNICATIONS WORKERS UNION BENEVOLENT SOCIETY**

## **CONSTITUTION**

1. The name of the Society is TELECOMMUNICATIONS WORKERS UNION BENEVOLENT SOCIETY.
2. The purposes of the Society are:
  - (a) To promote the interests and well-being of the members of the Telecommunications Workers Union.
  - (b) At the discretion of the Board of Directors of the Society to give financial assistance to members of the Society and other employees of the British Columbia Telephone Company, Canadian Telephones and Supplies Limited and A.E.L. Microtel (Canada) Limited who are not in receipt of an income from their employment for any reason whatever, or who are in financial need, but such financial assistance does not include an undertaking to pay benefits or render services in the event of accident, sickness or liability, or by way of pensions or annuities, or a power to make contracts of life insurance under which more than \$400.00 may be paid to the family of the deceased member.
  - (c) To pay benefits to members of the Society upon retirement in accordance with the By-laws of the Society.

# **TELECOMMUNICATIONS WORKERS UNION BENEVOLENT SOCIETY**

## **BYLAWS**

### **1. NAME**

- 1.1** The name of the Society is TELECOMMUNICATIONS WORKERS UNION BENEVOLENT SOCIETY

### **2. ADDRESS**

- 2.1** The address of the Society shall be at 5261 Lane Street, in the City of Burnaby, in the Province of British Columbia, or such other place as may be hereafter determined.

### **3. DEFINITIONS**

- 3.1** In these By-laws:
- 3.1.1** UNION means the Telecommunications Workers Union;
- 3.1.2** COMPANY means the British Columbia Telephone Company Limited, Canadian Telephones and Supplies Limited, and any other company under certification with the Telecommunications Workers Union.
- 3.1.3** DIRECTORS means the Directors of the Society for the time being.

### **4. MEMBERSHIP**

- 4.1** Membership in the Society is limited to members in good standing of the Union.
- 4.2** Upon the incorporation of the Society, all members in good standing of the Union shall automatically become members of the Society.
- 4.3** Any member of the Society who ceases to be a member of the Union for any reason shall be deemed to have resigned from the Society.
- 4.4** No member of the Society shall cease to be a member by expulsion or any other reason except as provided for in paragraph 4.3.
- 4.5** Any member of the Society who is suspended from membership in the Union shall for the period of such suspension be deemed to be suspended from membership in the Society.
- 4.6** Every person who after the incorporation of the Society becomes a member of the Union shall automatically be a member of the Society.
- 4.7** Every member of the Society shall have the right to vote and speak at all general meetings of the Society and shall be entitled to share and enjoy all the benefits and privileges accorded to members of the Society.
- 4.8** Each member of the Society shall strictly observe these bylaws and such others as may be adopted hereafter and it shall be the duty of all members of the Society to promote the objects of the Society.

- 4.9 Each member in good standing of the Society shall be entitled to attend at and participate in the general meetings of the Society and shall have one vote. No proxies shall be allowed.

## 5. DUES

- 5.1 Each member shall pay to the Society as dues the sum of \$6.15 every 4 weeks and no member shall be deemed to be a member in good standing of this Society unless such dues are paid, subject to the provisions of Clause 11.5 hereof. The Society shall in respect of employees of the Company who are not members of the Union levy such sum by way of dues as may be decided by the Society from time to time and such sum shall be remitted by such employees to the Society upon notification by the Society.
- 5.2 The said dues shall be levied and collected by the Union and in that event no person shall be directly chargeable with the said dues.
- 5.3 The Secretary-Treasurer of the Society shall, upon receiving all dues, certify to the President of the Union that such dues are paid as are then owing by all members of the Society, and such employees of the Company as are referred to in paragraph 5.1. Such certificate shall be issued every month and the Society shall not be required to give any receipt to any person individually.

## 6. FINANCES

- 6.1 The revenue in the Society shall consist of:
- (a) the said dues
  - (b) income from investments
  - (c) miscellaneous revenues.
- 6.2 All revenues of the Society shall be deposited in one of the financial institutions approved in the Trustee Act of British Columbia from time to time in force and all amendments thereto.
- 6.3 All expenditures of the Society shall be made by cheques drawn on the aforesaid account.
- 6.4 All revenue shall be received and all expenditures made by the Secretary-Treasurer who shall keep records thereof which shall be open to inspection by any member of the Society in the office thereof during business hours.
- 6.5 An audited account of all revenues and expenditures shall be presented by the Secretary-Treasurer to each regular meeting of the Board of Directors. An audited account of all revenues and expenditures, and a Balance Sheet of the Society prepared by the auditors of the Society shall be presented to the Annual General Meeting.
- 6.6 All cheques, drafts, bills of exchange and commercial papers necessary to be executed by the Society shall be signed on behalf of the Society in such manner as the Board of Directors may from time to time determine.
- 6.7 All decisions as to investment of the funds of the Society shall be made by the Board of Directors.
- 6.8 No expenditure shall be made out of the funds of the Society without the approval of the Board of Directors. The Board of Directors may approve an allotment of funds to the Secretary Treasurer of the Society for administrative purposes.

- 6.9** In order to carry out the purposes of the Society the Directors may, on behalf of and in the name of the Society, raise or secure the payment or repayment of money in such manner as they decide, subject to section 35 of the Society Act.
- 6.10** The members may, by Special Resolution, restrict the borrowing power of the directors, but a restriction so imposed expires at the Annual General Meeting.
- 6.11** The fiscal year of the Society shall end on the 31<sup>st</sup> day of December in each year.

## **7. BOARD OF DIRECTORS AND OFFICERS**

- 7.1** The Board of Directors of the Society shall consist of persons who are for the time being members of the Executive Council of the Union.
- 7.2** The Officers of the Society shall consist of the following:  
President  
Vice-President, and  
Secretary-Treasurer
- 7.3** The persons for the time being holding the office of President and Secretary-Treasurer of the Union shall hold the same offices in the Society. The Board of Directors shall elect a Vice-President at its Annual Meeting.
- 7.4** (a) The President shall be the principal operating officer of the Society and shall be responsible for executing all policies and decisions established by the Board of Directors and the General Meeting.
- (b) The President shall preside at all meetings of the Society and the Board of Directors' meetings. In his/her absence the Vice-President, or his/her appointee, will chair all meetings.
- 7.5** (a) The Secretary-Treasurer shall be the principal financial officer of the Society and shall attend all meetings of the Society, and the Board of Directors, and cause a faithful record to be kept of all proceedings, and shall issue notices of meetings.
- (b) The Secretary-Treasurer shall safeguard all contracts, books, records, monies, securities and all other properties of the Society.
- (c) The Secretary-Treasurer shall have custody of the Society Seal and cause it to be impressed upon such documents as may be required by law or the Board of Directors.
- (d) The Secretary-Treasurer shall supervise the maintenance of such membership lists as may be required by the Society and shall cause a collection of per capita dues, and any other monies due the Society.
- (e) The Secretary-Treasurer shall cause the payment of proper bills and expenses of the Society when evidenced by satisfactory statements or vouchers, by cheques signed by such persons as may be designated by the Board of Directors.
- (f) The Secretary-Treasurer shall invest the funds of the Union as instructed by the Board of Directors.
- (g) The Secretary-Treasurer shall submit the books for audit not less than once a year to auditors selected by the Society.

- (h) The Secretary-Treasurer shall perform such other duties as the Directors may prescribe.
- 7.6** The Vice-President shall perform the duties of the President in his/her absence.
- 7.7** The Board of Directors shall meet at least once every six months. A majority of the Directors actually present at each meeting of the Board shall constitute a quorum.
- 7.8** The Directors may create and appoint such Committees from their own number or from the Society for carrying out the work of the Society and they may delegate the powers of the Board of Directors to such Committees. The President shall be an ex officio member of all Committees, and shall vote only in the event of a tie.
- 7.9** (a) At each Annual Meeting of the Society an auditor or auditors shall be appointed by the Society, each of whom shall be a chartered accountant. The appointment of such auditor or auditors shall subsist until the Annual General Meeting in the year following his/her or their appointment.
- (b) The signing officers of the Society shall be the Secretary-Treasurer together with two other members of the Board of Directors appointed by the President and approved by the Board of Directors. Any two of these persons shall sign in each other's presence the cheques, drafts, bills of exchange and other commercial papers necessary to be executed by this Society.
- (c) Members of the Board of Directors including the President, Vice-President and Secretary-Treasurer shall receive no remuneration except legitimate expenses incurred while doing the business of the Society.
- (d) Any Director of the Society may be removed from office by a special resolution passed at a general meeting of the Society and another Director elected, or by ordinary resolution appointed to serve the balance of the term of office.

## **8. MEETINGS**

- 8.1** Annual General Meetings of the Society shall be held in the month of May each calendar year on a date and at a time and place designated by the Board of Directors of the Society.
- 8.2** Extraordinary General Meetings of the Society may be held at the discretion of the Board of Directors.
- 8.3.1** Notice of the time and place of each General Meeting of the Society shall be mailed to every member at his or her last known address, postage pre-paid, at least fourteen (14) days before the date of the General Meeting.
- 8.3.2** The accidental omission to give notice of a meeting to, or the non-receipt of a notice by, any of the members entitled to receive notice does not invalidate proceedings at the meeting.
- 8.4** Ten (10) members in good standing of the Society actually present at any meeting of the Society shall constitute a quorum sufficient for the transaction of all business at such meetings.
- 8.5** All such meetings shall be conducted in accordance with Bourinot's Rules of Order and any resolution which receives in its favour a majority of the votes cast at any such meeting shall be deemed to have been passed and shall be adopted by the Society; PROVIDED, however, that no

special resolution shall be deemed to have been passed unless it receives three-fourths of the votes cast.

- 8.6** Meetings of the Board of Directors may be called whenever and as often as is deemed necessary by the President and Secretary-Treasurer or whenever a demand for such meeting is made by three or more members of the Board of Directors and such meetings shall not be deemed to be regular meetings of the Board within the meaning of Clause 6.5 hereof.
- 8.7** The Board of Directors shall, if at any time and so often as it shall happen, it appears to the Secretary-Treasurer of the Society that the funds of the Society are, because of any expenditures of whatever nature or kind, likely to become less than \$10,000.00, call an Extraordinary Meeting of the Society to discuss the financial situation of the Society.

## **9. SEAL**

- 9.1** The Seal of the Society shall be adopted by the first Board of Directors of the Society and shall be kept at the office of the Society in the custody of the Secretary-Treasurer. The Seal of the Society shall not be affixed to any documents save by the authority of a resolution of the Board of Directors of the Society and shall be affixed in the presence of any two officers of the Society.

## **10. MISCELLANEOUS**

- 10.1** These Bylaws may only be altered or amended by a special resolution that has been included on the meeting notice for a General or Extraordinary Meeting and passed at that meeting of the Society, and shall be subject to ratification by referendum ballot of the members affected. Every such resolution shall be filed with the Registrar of Companies forthwith.
- 10.2** The Society may, by special resolution passed at a General Meeting of the Society, subscribe to and become a member of and co-operate with any other Society, whether incorporated or not, whose objects are in whole or in part similar to the objects of this Society.
- 10.3** Special resolutions must be forwarded to the Secretary-Treasurer of the Society by April 1, preceding the Annual General Meeting of the Society, or prior to the notification of an Extraordinary Meeting of the Society.

## **11. BENEVOLENT PAYMENTS**

- 11.1** When at any time the assets of the Society exceed \$10,000.00 in value and if any of the members in good standing of the Society or other employees of the Company are not in receipt of wages from the Company for any reason whatsoever, the Directors may in their absolute discretion, by a resolution consented to by two-thirds of their number use the amount, by which the assets of the Society exceed \$10,000.00, to make such payments as they may deem necessary to such members of the Society or other employees of the Company who are not in receipt of wages from the Company for any reason whatsoever. Nothing herein contained however confers any right on any person to demand any payment from the Society.
- 11.2** Without restricting the generality of Clause 11.1 each member of the Society shall upon his/her retirement and provided he/she has been a member of the Union for at least 5 years and subject to the approval of the Board of Directors, be entitled to a retirement benefit of not more than the amount hereinafter set forth, from the funds of the Society in accordance with the following scale:

- (a) Member of the Union for at least 20 years.....\$1,000.00
- (b) Member of the Union for less than 20 years.....\$ 50.00 for each year's membership

**11.3** Upon his/her retirement from the Company, each member shall submit to the Directors of the Society within sixty (60) days after retirement date a statement showing:

- (a) His/her years of service with the Company and offices of the Company from which he/she has worked.
- (b) His/her years of membership in the Union.

**11.4** The Directors shall within thirty (30) days after the receipt of such statement advise the member as to in which category he/she falls for retirement benefit purposes and the amount to which the member is entitled. If any dispute arises between the member and the Directors as to the member's category for retirement benefit purposes or as to the amount to which the member is entitled, such dispute shall be submitted to arbitration and the decision of the arbitrators shall be final and binding.

**11.5** The Board of Directors may, on the recommendation of any Local of the Union, make an allowance of not less than \$25.00 and not more than \$400.00 in any one calendar year to any member of the Society who, in the opinion of the Board of Directors, is in distressed financial circumstances. Provided, however, the Board may in its discretion forgive the payment of dues by such members as are receiving benefits pursuant to this clause for such length of time as the Board shall in its sole discretion decide.

Dated the 7<sup>th</sup> day of January, 1981.  
 Filed and Registered January 14, 1982.

The names, addresses and occupations of the First Directors of the Society appointed by the subscribers to act as First Directors for a period of two (2) years from the date of incorporation:

# TWU STRUCTURE

