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G U I D E
for
LOCAL UNION BY-LAWS

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GUIDE FOR LOCAL UNION BY-LAWS

The following is a Guide to assist Local Unions in either revising existing By-Laws or adopting new By-Laws:

1. Name

A provision such as the following should be the first article of your By-Laws:

This organization shall be known as "Unifor Local".

The name of the Local Union must coincide with the name found on the Local Union Charter issued by the National Executive Board on or after September 3, 2013.

2. Trade Union Status

Our National Union Constitution requires every set of Local Union By-Laws include a statement with respect to the objectives of the Local Union. The statement may be framed as follows:

1. "The objectives of the Local Union include:
 - a. The regulation of labour relations and collective bargaining between employers and employees;
 - b.(other objectives may be inserted here);
 - c.(other objectives may be inserted here).

The rationale for such a paragraph is that at law a trade union distinguishes itself from all other organizations because one of its objectives is to engage in collective bargaining. If such an objective is not part of a union's Constitution or By-Laws, arguably at law it may not be characterized as a trade union.

3. Constitution and By-Laws

To comply with Article 1 of the National Union, Unifor Constitution (*hereinafter referred to as the "Constitution"*), the Local Union By-Laws should contain a provision similar to the following:

"The Constitution of this Local Union shall be the Constitution of the National Union, Unifor, and these By-Laws shall be in all respects subordinate to said Constitution and all applications and interpretations thereof."

By-Laws submitted by units of amalgamated Local Unions should include the following language:

"These unit By-Laws are in effect a supplement to the By-Laws of Local..... and wherein these unit By-Laws do not provide for Constitution provisions, the By-Laws of Local..... will be used. In addition, the unit and Local Union By-Laws shall be in all respects subordinate to the Constitution and all applications and interpretations thereof."

4. Fiscal Year

For reporting, accounting and other purposes, the By-Laws should contain the following:

"The fiscal year of this Local Union shall begin on January 1 and end on December 31."

5. Membership

The following provisions are recommended for inclusion in the membership article:

- (a) The Local Union shall be composed of workers eligible for membership in Unifor, over whom the Local Union has jurisdiction.
- (b) Each member in good standing of this Local Union has the right to nominate and vote, express opinions on all subjects before the Local Union, to attend all membership meetings and express views, arguments and opinions on all matters and business, including candidates for office, properly before the meeting; to meet and assemble freely with other members and generally, to participate in the activities of the Local Union in a responsible manner consistent with good conscience in order to present and discuss factually and honestly the issues upon which the membership must base its decisions. These rights shall at all times be subject to the rules of procedure governing meetings and other uniform rules and regulations contained in the Constitution, By-Laws and other official rules of the Local Union.

A member in exercising the foregoing rights and privileges shall not take any irresponsible action which would tend to jeopardize or destroy, or be detrimental to, either the Local or National Union as organizations, or their free democratic heritage, or which would interfere with the performance by this Local Union or the National Union of its legal or contractual obligations as a collective bargaining agent, or interfere with the legal or contractual obligations of this Local Union as an affiliate of the National Union.

Violation, or abuse of these rights and privileges of membership, or engaging in conduct prohibited by this section, may be grounds for the commencement of a charge against a member pursuant to Article 18 of the National Union Constitution.

- (c) The membership shall strive to obtain the objectives set forth in the Constitution and additional objectives as established as the policy of the National Union; to maintain free relations with other organizations; to do all in its power to strengthen and promote the labour movement; to co-operate with National Board Members, the National Representatives and help promote organizational activities.

In addition a Local Union may open its membership by amending its By-Laws to establish a Community Chapter. Local Unions should consider adding wording to reflect the following:

By-Laws establishing a Community Chapter shall express the objectives of the Community Chapter and define the membership to be included in the Local Union through the Community Chapter. The By-Laws shall also specify:

- The right of members in Community Chapters to participate in the activities of the Local Union.
- The rights and limits of members in Community Chapters to voice and/or vote in Union affairs and structures.
- The services the Local Union expects to provide embers in Community Chapters.

The Local Union shall submit its amended By-Laws to the National Executive Board for approval.

6. Membership Meetings

The By-Laws should contain a provision for regular monthly membership meetings. The By-Laws should also contain procedure and notice requirements for calling a special membership meeting. It may be desirable in some situations to have an additional section setting forth a streamlined procedure and notification requirement for an emergency membership meeting; i.e., the notification requirements might be posting for as many hours as possible with verbal notification by Committeepersons and Stewards to as many members as they could contact.

The Local Union should either provide that those members in attendance at a meeting will constitute a quorum, or otherwise provide a reasonable quorum requirement.

In addition, the following paragraph should be included in the Local Union By-laws as a matter of course.

"Any member who attends a meeting under the influence of alcohol or drugs and/or creates a disturbance, or becomes unruly shall lose voice and her/his right to vote at said meeting. Where necessary to maintain order, the member may be evicted from the meeting by order of the Chairperson subject to the challenge of the membership. Flagrant or persistent violation of this section by any member shall be conduct unbecoming a union member."

For clarity and information of the membership, "questions of a parliamentary nature shall be decided by Bourinot's Rules of Order."

7. Powers of Administration

To provide for the administration of the Local Union, provisions along the following lines should be included:

- (a) The membership is the highest authority of this Local Union and shall be empowered to take or direct any action not inconsistent with the Constitution or By-Laws.
- (b) Between membership meetings, the Executive Board shall be the highest authority of the Local Union and shall be empowered to act on behalf of the membership to the extent urgent business requires prompt and decisive action, subject to subsequent membership approval, but the Executive Board may not take action affecting the vital interests of the Local Union without prior membership approval.
- (c) Between meetings of the Executive Board, the President shall

exercise general administrative authority and shall be empowered to act on behalf of, and take action permitted, to the Executive Board subject to subsequent approval of the Executive Board.

8. Local Union Officers

This article should contain a provision establishing the Executive Officers of the Local Union in accordance with Article 15 Section B of the Constitution. If a Local Union desires to have more than one Vice President, the number of Vice Presidents should be set forth in this section.

If a Local Union elects more than one Vice President, the Vice Presidents should be titled as "First Vice President", "Second Vice President", etc. The By-Laws should specifically provide that only the First Vice President would succeed to the presidency in the event of a vacancy in that office. The By-Laws should further specify that if the First Vice President should succeed to the presidency, the First Vice Presidency would be filled by a special election in the same way as any other vacated executive office, other than the presidency, would be filled. (Specific and detailed procedures for conducting elections for Local Union officers will be contained in the revised *Guide to Local Union Elections*.)

There should be a provision in accordance with Article 15 Section C Paragraph 19 of the Constitution, providing for a prompt special election to fill the vacancy in any executive office other than the presidency, and if desired, a procedure setting forth the "other means for filling such vacancies for the temporary period pending the holding of the election".

There should also be a provision that in any such special election to fill a vacancy, the procedures, etc., applicable to the original election (See Constitution, Article 15 Section B Paragraph 5) shall be followed.

The duties of the Executive Officers are quite specifically set forth in Article 15 Section C of the Constitution. There is no purpose in repeating these duties in the By-Laws but if the Local Union has a custom of assigning some additional duties not inconsistent with the duties of the Constitution to any particular executive office, that matter should be clearly set forth in this article.

9. Executive Board

This article should very clearly define what members in addition to the Executive Officers, if any, the membership desires to comprise the Executive Board of the Local Union. If the Local has Executive Board Members in addition to the Executive Officers, this article should include a provision that these Board Members be elected in accordance with Article 15 Section B Paragraph 5 of the Constitution. Executive Board

Members-at-Large shall be elected by plurality vote, unless the Local Union membership, by affirmative action, requires a majority vote.

There should be a provision setting forth the procedure and notice requirements for Special Executive Board Meetings. It is usually desirable that these meetings may be called either by the President, or by a majority of the Board Members.

There should be a section setting forth the general authority of the Executive Board in accordance with Section 7 (b) of this pamphlet. This provision should permit the Executive Board to direct payment of all ordinary bills and expenses of the Local Union but should restrict its authority to make disbursements of funds to a particular dollar amount in any single disbursement, and require the disbursement to be reported to the next membership meeting for approval.

The following additional sections phrased in By-Law language, are often found desirable:

- (a) A simple majority of the Local Union Executive Board shall constitute a quorum.
- (b) Minutes will be taken of all Executive Board Meetings by the Recording Secretary and shall be available to the membership at meetings.
- (c) All decisions and recommendations of the Executive Board shall be referred to the next regular membership meeting.
- (d) The Executive Board shall appoint at least one of its members to each of the standing committees in liaison or advisory capacity, except, however, the Workplace Bargaining Committees, or Election Committee.
- (e) The Executive Board shall review each issue of the Local Union paper, and where necessary shall take steps to bring the contents and policy of the paper into conformity with the policy of the National Union.

10. Stewards and Committeepersons

This article should contain necessary provisions establishing the nomination and election procedures of Stewards and Committeepersons, including the methods and places of balloting and the required notice procedures. However, it is still permissible to provide, as is the practice in many Local Unions, that Stewards and Committeepersons shall be nominated and elected at the same area or district meeting. It is impossible to make any specific suggestions in this area since Local Unions have

such differing customs, all equally constitutional in this area, and the Steward and/or Committeepersons structure of each Local Union is determined primarily by its collective bargaining contract.

This article should provide that all members in good standing working under the jurisdiction to be represented by the Steward or Committeeperson shall be eligible to nominate and vote for the Steward or Committeeperson.

There should be a provision setting forth the procedure for recall of a Steward or Committeeperson in accordance with Article 15 Section E of the Constitution, and this provision should set forth the following reasonable minimum requirements for the recall procedure:

"A vote on the question of recalling a Steward or Committeeperson may be initiated by a petition setting forth the reasons why the recall is sought, and signed by at least 25 percent of the current members working under the jurisdiction of the Steward or Committeeperson."

"Twenty-five percent of the current members working under the jurisdiction of the Steward or Committeeperson must be present at the recall meeting to establish a quorum."

"A two-thirds vote of those present and voting is necessary to recall."

Note: The petition and quorum requirements cannot be less than 25 percent or more than 50 percent and the petition and quorum requirements must be the same percent.

There should be a provision providing that in the event of a vacancy in a Steward or Committeeperson position, one or more new Stewards or Committeepersons must be elected as soon as possible and in any event within 30 days.

11. Stewards Councils and Bargaining Committees

Many Locals establish Stewards Councils. Where they are established, they vary greatly in functions and duties.

Often their existence or their functions depend on the composition and functions of a Workplace Bargaining Committee. The variety is so great in the whole area of Stewards Councils and Bargaining Committees, and often is so substantially influenced by the collective bargaining agreement, that no specific recommendations will be made on this point. However, any such body, or bodies, which are desired should be specifically established in the By-Laws, and the By-Laws should set forth their membership and functions. Any such body established by a Local's By-Laws will be carefully reviewed by the National Union and the Local will be specifically advised if

there is any unconstitutionality or impropriety in the structure.

Where Stewards Councils are established, the following provision should be included in this article:

"The Stewards Councils shall exclusively perform advisory functions and shall be a non-legislative body within the Local Union structure."

12. Committees

This article should set forth the standing committees of the Local Union exclusive of the Election Committee, and Bargaining Committees. Article 15 Section D of the Constitution references those standing committees that a Local Union should establish and may include any other committees the membership may desire.

The method of appointing or electing the membership of the committees, and of filling vacancies on the committees should be specifically set forth in a section of this article. *(If the Local adopts a provision for the Executive Board designating one of its members as a member of each committee as indicated above, this provision should be referred to at this point as providing for an additional committee member.)*

There should be a provision as to how the committee chairperson is chosen, i.e., election by committee members or designation of appointing official.

The function or duties of standing committees may be specifically set forth in this article. In any event, the article should contain a provision similar to the following:

"These committees shall perform all duties assigned to them by the Constitution and By-Laws and such additional duties as they may be directed to perform from time by the Executive Board or the membership."

13. Elections and Election Committees

Under the Constitution, there must be a democratically elected Election Committee to conduct all elections for Executive Officers, National Convention, Regional and Canadian Council delegates. It is often desirable for the larger Local Unions to have a Standing Election Committee which will conduct all elections which an Election Committee must constitutionally conduct, and often certain other elections during the period of the Committee's tenure which under Article 15 Section B Paragraph 4 of the Constitution, would be synonymous with the three-year terms of the elected officers.

This article of the By-Laws should contain provisions setting forth when and how a

Standing Election Committee will be elected. These should ordinarily provide for the election of the Election Committee at a meeting shortly preceding or at the meeting at which the nominations for Local Union Executive Officers takes place.

If a Local for particular reasons desires to have Special Election Committees elected to conduct each election, the By-Laws as an alternative should provide how and when such Special Election Committees will be elected.

This article is also an appropriate place for the Local Union to establish its nomination procedure. Ordinarily, this will be the same for all elective offices with, of course, varying time limits. There are two permissible methods of nominating:

- (a) Nomination by a member at a meeting with the nominee being under an obligation to accept within a specified number of days upon being notified, the nominated member automatically being considered as declining if he fails to so accept within the time limits.
- (b) Provisions that all eligible members shall be automatically nominated for each office for which they are eligible if they accept the nomination in writing within a certain number of days of the notices of automatic nomination being posted.

Insofar as specific rules for the conduct of nominations and elections are concerned, they are set forth in the Policy Regarding Local Union Elections as referenced in Article 15 Section B Paragraph 5 of the Constitution. A Local Union may wish to take some of these suggestions as basic policy and establish them in their By-Laws. By and large, however, it is sufficient for the Membership, Executive Board or Election Committee conducting the election to adopt the *Election Guide* with such permissible additions or changes as they may desire as the rules governing the conduct of the election. (Care should be taken to specify the alternative desired where the *Election Guide* mentions two or more alternative methods in any area.) This matter is largely left to the discretion of the Local Union since either practice, or combination of both, is satisfactory.

14. Finances

As per Article 15 Section G of the Constitution, an initiation fee may only be charged against new members entering an existing bargaining unit, or when and where the law requires such an initiation fee be paid, which may not be less than ten dollars (\$10.00) nor more than twenty dollars (\$20.00).

The By-Laws set forth very specifically, and in considerable detail, the salaries, allowances, expenses and other forms of compensation, including who is paid a salary or expense; how much is paid; how often is it paid - weekly, monthly. Also, lost time formulas which are proper for any elected or appointed official should be detailed.

This article should also include specific provisions for out-of-town per diem expenses when it is necessary for a representative of the Local Union to travel away from home; for example:

- Expense paid to travel - when flying, when driving;
- Expense paid when required to stay overnight, lodging, meals;
- Expense paid when overnight is not required.

The National Executive Board has established a policy relative to per diem expenses. Contact your National Secretary-Treasurer for the current National Executive Board policy.

This article should include a provision defining lost time along the following lines:

"The Local Union shall pay a representative or member lost time only when that representative or member is performing necessary duties for and on behalf of the Local Union during the time for which s/he would otherwise be compensated by the employer. The amount of lost time should never exceed the amount which the Local Union representative or member would otherwise have received from her/his employer for the same period of the time which s/he is being compensated by the Local Union."

15. Eligibility for Elected Office

Eligibility for the constitutional or executive offices of the Local Union is set forth by the National Union Constitution and cannot be amended by the Local Union. The standard for eligibility is simply membership in good standing, unless the Local Union provides in its by-laws that the standard should be different, such as a period of no longer than one year of membership in continuous good standing, as per Article 15 Section B Paragraph 6 of the Constitution.

The Local is free to establish its own eligibility requirements in terms of continuous good standing for all other elected officials. They may be uniform or may vary as between Executive Board Members-at-Large, Stewards, Committeepersons, etc., but in no case shall any eligibility requirement exceed the constitutional requirement for Executive Officers of one year's continuous good standing. If there are no eligibility requirements for Non-Executive Officers or officials in the By-Laws, it would be presumed that the only requirement is to be a member in good standing.

16. Attendance Rules

Local Unions should establish attendance rules for elected officers or officials. These rules fall into two parts. One part concerns attendance by elected officers or officials at

membership meetings and the other concerns their attendance at meetings where attendance is part of their official duties, such as an Executive Board Member attending Board Meetings.

In general, the Local Union may establish for all Local Union officers and officials, attendance requirements requiring their attendance at as many as two out of three general membership meetings. It should be emphasized that no prior attendance requirement can be made a condition of continued eligibility to occupy and hold the office, once elected.

The By-Laws may establish specific attendance requirements for various different elected officers and officials attending various board and committee meetings, attendance at which is part of their functions. If this is desired, each separate group of officers may be treated separately in the By-Laws. The Local Union may, however, if it chooses, establish a general requirement for all officers and officials attending any board or committee meetings which are a part of their duties. In either event, the attendance requirement should again not require attendance at more than two out of every three such meetings.

In this provision of the By-Laws, an excuse procedure must also be established. The requirements for attendance at meetings must provide a procedure whereby a member may be excused from attendance at a meeting for good cause, and any such excused absence could not be counted against her/him. The Local Union By-Laws should specifically state what group will be authorized to consider requests for excuses and should set up some general standard for granting such requests as an absence because of circumstances beyond a member's control or because of very substantial inconvenience. Some Local Unions have a standing excuse or attendance committee while others place this function in the Executive Board. It is an optional matter and the membership should decide which form it decides is best. However, a By-Law giving the authority to excuse to some group is necessary.

Examples of provisions which Locals should have are:

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

1. Two out of three consecutive membership meetings unless officially excused for cause by the Local Union Excuse Committee;
2. Two out of three consecutive meetings other than membership meetings expected of their respective office or position, unless officially excused for cause by the Local Union Excuse Committee;
3. Failure of any elected official to comply with the above attendance rules shall result in automatic removal from their respective office or position, and they shall not be permitted to run for any elective office for the balance of the term of office from which they were

removed, except as a delegate to the Constitutional Convention.

Note: The Local Union Excuse Committee may be the membership meeting, the Local Union Executive Board, a sub-committee from the Local Union Executive Board, or a separate Excuse Committee composed of members not holding executive offices or committee positions. In very large Local Unions, it is suggested that the Excuse Committee be composed of members other than those holding an elective position.

17. Delegates From Local

This section need simply provide that all delegates to National Conventions, Regional and Canadian Councils shall be chosen pursuant to provisions of Article 15 Section B of the Constitution. The By-Laws might also state that the eligibility of a member for Convention Delegate is also controlled by the Constitution.

The By-Laws should contain whatever provisions are appropriate for electing or selecting delegates to Unifor Council, NDP Provincial Council, sub-councils, etc.

18. Order of Business

Local Unions should stipulate in their By-Laws a suggested order of business for Local Union meetings. Whatever the situation may be in your Local Union, the order of business, or a variation thereof, should be included in the Local Union's By-Laws. In some circumstances, the only established rules which could permit a Local Union to control general confusion at a meeting would be established order of business.

19. Review of Decisions

Article 19 Section B of the Constitution provides that a member feeling her/himself aggrieved by some action of the Local Union or one of its representatives must initiate her/his complaint or appeal from that action within 30 days of the time s/he is aware of the action or reasonably should have been aware. This provision was inserted because the time limits on appeals in the Constitution do not begin to operate until the Local Union membership has made its decision on a matter. However, it was not possible to handle this matter completely in the Constitution since Local Unions have different methods of internally processing complaints and appeals between the time they are first brought to the Local Union's attention and the time the membership makes its decision.

The Constitution does, however, require the matter to be initially brought to the Local Union within 30 days as noted. Local Unions should establish an internal appeal procedure in these By-Laws which will set definite time limits in which a member

dissatisfied with some lower level decision of a Local Union, such as a Bargaining Committee, or Executive Board decision, will have to take her/his appeal to the membership.

An example of this would be an article which would provide that any person dissatisfied with the action or decision of the Local Union or any representative thereof, other than the action or decision of the membership of the Local Union shall take her/his appeal or complaint to the Local Union Recording Secretary within 30 days as permitted by Article 19 of the Constitution.

Such introductory section could, as an example, be followed with the following provisions:

- (a) The Executive Board shall refer the matter to the Bargaining Committee (or Stewards Council) if it involves collective bargaining. Otherwise, the Executive Board shall consider the matter itself.
- (b) Whichever of these bodies the matter is referred to shall consult with the grievant, permit her/him full opportunity to be heard, and shall reach a decision.
- (c) Within 30 days of receiving a notice of such a decision, the grievant, if wishing to appeal further, shall submit her/his appeal to the Recording Secretary in writing for consideration by the earliest possible membership meeting.

The foregoing is just suggestive of the type of procedure that should be established in the By-Laws and which will vary in detail from Local to Local. Some Locals might wish a collective bargaining grievance which has been reviewed by a Bargaining Committee to be further reviewed by the Executive Board prior to being submitted to the membership. There are any number of other variations involving different intermediate bodies in the structure of the Local Union.

These appeal provisions are very important and if properly drafted to conform to the Local Union structure can save the Local Union a good deal of time, trouble and expense when grievances and appeals arise. It is suggested that in working out the details of this structure, the Local Union By-Laws Committee should consult with the Local's Servicing Representative.

A Procedure Policy on Constitutional Matters as referenced in Article 18 Section B Paragraph 2 of the Constitution is available to Locals and members, and shall determine time limits and procedure requirements to govern the implementation of all Review of Decisions.

20. Strikes and Strike Committee

The By-Laws should provide that all strikes shall be called or terminated only in strict conformance with Article 17 Section B of the Constitution.

21. General

The general article in By-Laws is intended to cover various matters which are of particular concern to the Local Union but which are not specifically covered elsewhere. It is generally advisable to minimize the number of items contained in the general article since a member attempting to find a provision normally tends to look under appropriate headings rather than in the general article.

Provisions which often appear in the general article are two sections along the following lines:

- (a) All Local Union Officers, Committees, Stewards and other members handling funds or other property of the Local Union shall, at the completion of their duties, turn over all papers, documents, funds and/or Local Union property to the properly constituted Local Union Officers.
- (b) Wherever in these By-Laws a pronoun is used it refers equally, where the reference is applicable, to both men and women in the singular and in the plural.

22. Amendments

All By-Laws should contain an amendment provision along the following lines:

These By-Laws may be amended by presenting a motion in writing setting forth the amendments sought to a membership meeting. The motion shall be read to that meeting and referred to the Constitution and By-Laws Committee which will report to the succeeding membership meeting, the notice of which must contain a notice of the particular By-Law amendments that will be considered. If approved by two-thirds of the membership vote thereon at this succeeding meeting, the amendment shall be considered adopted by the membership. Amendments to existing By-Laws, or new By-Laws must be submitted to the National Executive Board for approval. The amendments, or the new By-Laws are not effective until approved by the National Executive Board.

When submitting By-Law amendments to the National Union, Locals are required to provide a cover letter indicating such amendments were

approved as per the above. Please include the date the meeting took place.

23. How to Submit Local Union By-Laws

By-Laws submitted to the National Union for review and approval should be typed or printed on 8 ½ x 11 sized paper. To re-submit your By-Laws with changes, revisions and/or amendments, please take the following steps:

- Step 1** Take each page of the By-Laws that needs to be changed, and mark the sections you want to change/revise.
- Step 2** Retype the entire page with change(s) typed in.
- Step 3** Underline the changes on the new page in red pencil or red ink. (If you deleted a portion of the old By-Law without substituting anything new for it, and therefore you have nothing to underline, make a note in red that the section was changed.)
- Step 4** Insert the new page, with changes, into the By-Laws and discard the old page.
- Step 5** Send one complete set of the revised By-Laws to the National Union. A report will be submitted to your Local Union after they have been processed.
- Step 6** In addition, Local Unions are encouraged to submit By-Laws and amendments in electronic format.