

**By-Laws of Local 40-0
Unifor, Canada**

Barrie, Ontario



UNIFOR
Local40-0 | Canada

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Article I – Name

- I. This Local shall be known as Local 40-O, Unifor, Canada

Article II – Jurisdiction

- I. Jurisdiction of this Local shall be the jurisdiction assigned by the Union and appearing on the face of the Local Charter.

Article III – Objectives

- I. The objectives of Local 40-O, shall be to represent and serve the workers within its jurisdiction in accordance with the bylaws and the rules of the Local and the constitution and policies of the Union, and the regulation of labour relations and collective bargaining between employers and employees.

Article IV – Local Structure

- I. The structure of the Local shall consist of the following:
 - a. Membership
 - b. Executive Board
 - c. Officers
 - d. Chief Stewards
 - e. Committees

Article V – Membership

Section 1-Eligibility

- I. Any person eligible for membership in Unifor, as defined in Article 5 of its Constitution, shall be eligible for membership in this Local, if performing work within the Local's jurisdiction, or if employed on a part-time or full-time basis by the Union.

Section 2-Application

- I. Membership in the Local shall be obtained after payment of the Local initiation fee of \$10.00 and upon the approval of the membership of the Local, and in accordance with the union National Constitution.

Section 3-Transfers

- I. The transfer of membership from this Local to the jurisdiction of another Local and from another Local to the jurisdiction of this Local shall be made in accordance with the union National Constitution.

Article VI – Local Dues and Assessments

Section 1

- I. Each member of the Local shall pay dues in the amount determined by a majority secret ballot vote in a meeting where a quorum is present, if the question has been advertised on bulletin boards at least seven (7) days in advance of the meeting or on Unifor Local 40-O website (www.unifor40-o.ca). The amount shall be no less than the amount determined by the formula outlined in Article 15, Section G, and Article 16 of the Unifor National Constitution.
- II. Membership dues may only be changed by the foregoing procedure.

Section 2 – Local Special Assessments

- I. The membership of this local may levy a special assessment only in the same manner as provided for charging Local dues.
- II. However, any special assessments levied shall be in compliance with the union constitution.

Article VII – Governing Authority

Section 1 - Membership

- I. The affairs of this Local shall be governed by its membership in accordance with the Constitution and policies of the Union in the following manner:
 - (a) Through actions taken in membership meetings or by referendum of the membership.
 - (b) Through actions and decisions of the Executive Board between membership meetings.
 - (c) Through actions and decisions of the Local Officers between meetings of the Executive Board.
 - (d) The actions and decisions of the Executive Board and Officers of the Local between Local meetings may be overruled by the membership in the Local meeting or by Referendum.

Section 2 – Executive Board

The Executive Board shall consist of the following:

- 1) President
- 2) Vice Presidents – one elected from each of the Bargaining Units.
- 3) Secretary
- 4) Treasurer
- 5) Chief Stewards – one elected from each of the Bargaining Units.

The Vice President and Chief Steward positions may be consolidated as per Article 15 Section B, Paragraph 7 of the union National Constitution.

Section 3 - Local Executives' Administrative Expenses

Executive Officers may purchase business tools (e.g.-laptop, printer, cell phone) as per Article 15 Section I paragraph 3 of the Constitution, for Local administrative purposes only, to the following maximum prices:

Laptop Reasonably Priced
Printer Reasonably Priced
Cell Phone Up to \$60/month allowance
Office Supplies Up to \$100

All items are considered to be property of the Local and shall remain as such.
Subject to approval by 2 members of the Executive Committee.

Article VIII – Local Meetings

VII. Meetings Times Start times of General Meetings shall be at 6:30 pm unless Special Circumstances and /or Authority to excuse provision make such times unfeasible.

- I. The minimum number of monthly Union meetings shall be 8. absences of executive members shall be with the executive committee itself.
- II. Regular meetings of the Local may be held any month except in the months of July and August.
- III. The Executive Board of the Local shall decide which night the monthly meeting will be held.
- IV. Any change will require a prior notice of two (2) weeks on the web site (www.unifor40-o.ca)
- V. Special meetings may be called by a majority vote of the Local Officers.
- VI. Upon the receipt of a proper petition, the Local Officers shall call a special meeting to be held within ten (10) days.

Article IX – Local Delegates to Unifor National Convention and Subsequent Councils

- I. The delegates are to be determined by Article 6, Section B, Paragraph 3a) of the National Constitution.
- II. The President of the Local shall be the Head of Delegation and the first delegate to all Unifor, CLC, and subsidiary body conventions/councils. This local currently has only 1 vote at convention/council, therefore the maximum number to attend, in addition to the delegate, shall be discussed at the general meeting prior to the convention/council, and determined by a majority of votes cast.
- III. The second delegate shall be the Vice-President from the next largest Bargaining Unit.
- IV. The third delegate shall alternate between all the Bargaining Units.
- V. The fourth vice president shall be an observer.
- VI. The Local may elect an alternate delegate for each of its assigned delegates who shall attend the Convention in the event the delegate is unable to attend.

- VII. It shall be the duty of the Secretary of the Local to certify the Local delegates to the Union Convention to the Secretary-Treasurer of the Union within the time limits specified in Article 6, Section B, of the national constitution.

Article X – Local Committees

I.

The Local should establish the following regular committees:

- 1) Constitution and Bylaws
- 2) Education and Scholarship
- 3) Environment
- 4) Recreation
- 5) Community Services
- 6) Human Rights
- 7) Lesbian, Gay, Bisexual, and Transgendered (LGBT)
- 8) Aboriginal and Racialized Workers
- 9) Workers with Disabilities
- 10) Union in Politics
- 11) Women's
- 12) Young Workers
- 13) Health and Safety

- II. Committees will be established as required by the Local Executive Board. Members of all committees shall be appointed by a majority vote of the Local Executive Board, subject to the right of the Local membership to overrule such appointments.
- III. Vacancies on committees shall be filled in the same manner as the original appointments.
- IV. A member of any Local Committee may be removed by a majority vote of the Executive Board, subject to the right of the Local to overrule the action of the Local Executive Board.
- V. The duties of each of the committees will be determined by the Local, as need be.
- VI. All work place representatives shall conduct themselves in accordance with Article 15, Section E of the National Constitution.

Article XI – Order of Business

- I. The order of business at a local meeting shall be as follows:
 - 1) Call of order
 - 2) Roll call of Officers
 - 3) Reading and action on minutes of previous meeting
 - 4) Report of Committees
 - 5) Report of National by National Representative present
 - 6) Unfinished business
 - 7) New business and correspondence
 - 8) Adjournment

- II. The order of business may be suspended by a two-thirds (2/3) vote of the members present.

Article XII – Local Officers, Stewards and their Duties

Section 1 – Officers of the Local shall be:

- 1) Local President
- 2) Local Vice-Presidents – one from each Bargaining Unit.
- 3) Local Secretary
- 4) Local Treasurer
- 5) Local Chief Stewards – one from each Bargaining Unit.

The positions of Vice President and Chief Steward, and Secretary and Treasurer, may be consolidated as per Article 15 Section B, Paragraph 7 of the union National Constitution.

Section 2 – Duties of the Local Officers shall be as follows:

- I. The Local President shall –
 - a) Be responsible for the conduct of all Local business.
 - b) Preside at Local Membership, Local Executive Board, and Local Officers' meetings.
 - c) Supervise all Local Committees.
 - d) Approve all bills to be paid, and countersign all cheques drawn on the Local treasury.
 - e) Be the official spokesperson of the Local
 - f) Perform whatever additional duties may be assigned by the Local or required by the policies or Constitution of the Union.
 - g) The President may assign the duties of office, in his or her absence, to a Vice-President of one of the other Bargaining Units.

II. The Local Vice-President shall –

- a) Work under the direction of the Local President.
- b) Perform whatever duties may be assigned by the Local, the Local's Executive Board, or the Local President.
- c) The Vice-President of one of the other Bargaining Units to the President shall assume the duties of the President in his or her absence.

III. The Local Secretary shall –

- a) Maintain a record of the Local membership.
- b) Record and maintain the minutes of all meetings of the Local, the Local Executive Board, or the Local Officers'.
- c) Furnish the Vice-President and Secretary-Treasurer of the Union with copies of any changes in these Bylaws with ten (10) days after such change are made.
- d) Perform such other duties as may be assigned by the Local, the Local Executive Board, or the Local President.

IV. The Local Treasurer shall –

- a) Be custodian of all assets of the Local
- b) Report to each membership meeting on the financial status of the Local.
- c) Be bonded, as must any other person who handles Local funds or property in accordance with the Union Constitution or any law.
- d) Cause the payment of all bills approved by the Local President.
- e) Perform such other duties as may be assigned by the Local, the Local Executive Board or the Local President.

V. The Local Chief Steward shall –

- a) Represent the Local in their area
- b) Work under the direction of the Local President.
- c) Perform whatever duties as may be assigned by the Local and the Local Executive Board or the President of the Local.
- d) Assist the President and the Local Executive Board in carrying out the polices of the Local in their respective area.
- e) Attend Local Executive Board meeting.

- f) Hold Stewards' meetings and act as Chairperson when such meetings are deemed necessary.
- g) Grievance processing.
- h) Make certain that completed grievances are processed properly.
- i) Prosecute grievances and appeal them to higher levels in the union when not satisfactorily settled, and make certain that all necessary notes and documentation regarding grievances are forwarded to the National for further processing.

Section 3 – Local Stewards

- I. There shall be as many Stewards as the Local deems necessary or as the Local is capable of having under the terms of the Collective Agreements. Stewards shall be elected by the group of members they represent, however, where the members fail to elect a Steward, the Local President may appoint one, subject to the right of the Local membership or overrule such appointment.
- II. The duties of the Local Stewards shall be as follows:
 - a) To become familiar with all the provisions of the Collective Agreement and thoroughly investigate all grievances coming within his or her jurisdiction.
 - b) To completely be familiar with the grievance procedure.
 - c) To receive complaints and grievances from members and make every effort in conformity with the grievance machinery to satisfactorily adjust and settle all grievances.
 - d) To refer all grievances that have not been satisfactorily adjusted in the first two stages to the Chief Steward, or the Local President if the grievance arises in a location where there is no Chief Steward.
 - e) To report all grievances settled satisfactorily to the Local and to the National.
 - f) To instruct the Alternate Steward in his or her duties.
 - g) To turn over all papers, documents, funds and other property at the conclusion of the term of office to the Local or to his or her successor in office and obtain a receipt thereof.
 - h) To carry out such other duties as may be prescribed from time to time by the Local.

Section 4 – Local Alternate Steward

- I. There shall be as many Alternate Stewards as the Local deems necessary, or as the Collective Agreement will allow.
- II. Alternate Steward shall be elected or appointed in the same manner as Stewards

- III. The duties of the Alternate Stewards shall be as follows:
- a) To become familiar with the duties of Steward and act as Steward in the temporary absence of the Steward.

Section 5 – Term of Office

- I. Stewards and Alternate Stewards shall be elected or appointed as provided in Sections 3 and 4 for a period of two (2) years in December of each odd number year, and will assume the position on January 1st of the even number year immediately following the election.
- II. When a vacancy occurs in the position of Steward or Alternate Steward a successor shall be immediately elected or appointed as provided for in Section 3 and 4.

Article XIII – Conduct of Meetings, other Local Business and Quorum

- I. Membership meetings and any other business of this Local shall be conducted under these Bylaws and rules of the Local and in conformity with the Union Constitution. Any member who attends a meeting under the influence of alcohol or drugs and/or creates a disturbance, or becomes unruly shall lose voice and his/her right to vote at said meeting. Where necessary to maintain order, the member may be evicted from the meeting by order of the Chairperson subject to the challenge of the membership. Flagrant or persistent violation of this section by any member shall be conduct unbecoming a union member.
- II. On question where the Local Bylaws, the Local rules or the Union Constitution do not apply, Bourinot’s Rules of Order shall govern.
- III. A majority of the Officers or a majority of the members of a Committee shall constitute a quorum for those bodies
- IV. Any number of members present at a Local meeting may constitute a quorum, provide due notice of the meeting has been given the membership of the Local.
- V. “Due notice” shall mean a notice given at least seven (7) days prior to the meeting.
- VI. Where “due notice” is not provided a quorum of ten (10) members is required.

Article XIV – Nomination and Election of Local Officers and members of Governing Board

Section 1 – Nominations

- I.
 - a) Local President, Unit Chief Stewards, and Secretary shall be nominated in the months of September, October, November or December of each even numbered year.
 - b) Unit Vice Presidents, Treasurer, and Stewards shall be nominated in the months of September, October, November or December of each odd numbered year.
- II. The nomination of a person for the office of President and of Vice-President of the other Bargaining Units shall also constitute the nomination of these persons as delegates to the Unifor Conventions/Councils held during the term of office for which the election is being conducted.

Section 2 – Elections

- I. Election of Local Officers and Governing Board members shall be by secret ballot of the membership in the months of September, October, November or December of each even-numbered year.
- II. All bargaining units within this local are allowed to vote for their respective Bargaining Caucus representatives.
- III. Persons performing any of the executive functions of these offices cannot be appointed, but must be selected by secret ballot among the membership.

Section 3 – Order of Elections

- I. President – elected by all eligible members of the Local.
- II. Vice-President – elected by eligible members of each of their own Bargaining Units of the Local.
- III. Treasurer – elected by all eligible members of Local
- IV. Secretary – elected by all eligible members of Local.
- V. Chief Stewards – elected by eligible members of each of their own Bargaining Units of the Local.

Section 4 – Local Election Committee

The Election Committee shall consist of at least 3 members, where possible, each being a member of each bargaining unit.

- I. The nomination and election of Local officers, members of the Governing Board shall be conducted under the supervision of the Election Committee.
- II. This Committee shall have the authority and responsibility to see that nominations and elections are conducted in accordance with the Union Constitution, and these Bylaws, with reasonable opportunity for each member to nominate and vote for the candidate of their choice.
- III. A member shall not be permitted to serve on the Election committee if he or she is a candidate for any office of the Local.
- IV. All Questions concerning the conduct and challenges of elections shall be determined by the Election Committee, subject to the right of appeal to the Governing Board or membership of the Local.

Section 5 – General Provisions

- I. Only members of the Local in good standing shall be eligible to vote or hold office
- II. The term of office shall be for two (2) years.
- III. The Officers shall take office on the **1st day of January of the year immediately following the election.**
- IV. The nominee in any election receiving the majority of the votes cast shall be declared elected.
- V. If no nominee has a majority on the first ballot, the vote shall be taken again and the two (2) nominees having the greatest number of votes on the first ballot shall be nominees on the second ballot.
- VI. A guide for the Local Election Committee in counting and reporting ballots cast:
 - a) All ballots cast, except blanks must be counted.
 - b) Blank ballots are simply ignored and are neither counted nor reported. If two (2) or more filled-out ballots are folded together, they are both rejected and reported as one (1) vote cast.

Example: One hundred (100) ballot papers are found in the ballot box. Three (3) of them are blank; two (2) are filled out, but folded together, and one (1) is cast for a person who is ineligible to hold office; and ten (10) are cast for a "write-in" candidate.
The ballots should be counted as follows:

Numbered of votes cast.....96 (a)
Number necessary to win.....49
Candidate A received.....49 (b)
Candidate B received.....35
Candidate C received ("write-in").....10

--Illegal votes--

Two (2) ballots cast for Candidate A (or one (1) for A and one (1) for B, but folded together....1
One (1) ballot for ineligible person.....1

- a) The three (3) blank papers are ignored, and the two (2) papers folded together are counted as a single vote cast, thus 96 votes were cast.
- b) Since Candidate A received a majority of the votes cast he or she is elected.

Section 6 – Vacancies

- i) A vacancy in the office of the Local President shall be filled by a Vice President as elected by the union Local.
- ii) Vacancies in all offices shall be filled in the same manner as that required for regular elections and within sixty (60) days as required by Article 15 Section C Paragraph 19 of the Union Constitution.

Article XV – Strikes

- i) The calling, conduct and termination of a strike affecting this Local shall at all times be carried on in compliance with the rules prescribed by the Union and Article 17 of the Constitution.

Article XVI – Charges, Trials and Appeals

Section 1 – Charges

- i) Members of this Local may be suspended or expelled in the manner provided in these By-Laws, for any of the acts enumerated in Article 18, Section C of the Constitution.

Section 2 – Trials

- i) Any accused member, including Officers, of this Local shall be tried under the provisions of Article 18, Section C of the Unifor National Constitution.

Section 3 – Appeals

- i) A member or Officer of this Local, upon being found guilty by a Local trial court, may appeal as provided in Article 18, Section C of the Constitution.

Section 4 – Local Trial Court

- i) A trial court of this Local shall be composed of five (5) person, who are members of this Local and not parties to the proceedings, and who shall be selected by the Executive Board of the Local. (NOTE: If the Local does not have an Executive Board or other governing body, then members of the trial court must be selected by the membership.)

Article XVII – Recall of Local Officers

- i) Any elected officer of this Local may be recalled in accordance with the provision of Article 15, Section E of the Unifor National Constitution.

Article XVIII – Amendments to Local Bylaws

- i) After adoption, these Bylaws may be amended by either of the following methods:
 - a) Two thirds (2/3) majority vote of the members present at a Local meeting, if the proposed amendments have been introduced at a previous membership meeting or advertised to the membership by use of bulletin board, or on the Local website www.unifor40-o.ca, (subject to approval of the National Executive Board), or
 - b) Referendum of the membership

Article XIX – Referendum of the Local

- i) The Local Election Committee shall submit any question to a referendum of the membership when directed to do so by action of a special membership meeting.
- ii) Question submitted to referendum shall be determined by a majority vote of those voting on the question.

Article XX – Fiscal Year Audit

- i) The fiscal year of this Local shall be from January 1st of each year, up to and including December 31st of each year.
- ii) The financial records of this Local shall be audited by a Certified Public Accountant, or by a Committee selected by the Local, at the end of each fiscal year. The results of such audit shall be made available for the inspection of any member of the Local

Article XXI – Oath of Office

- i) Each elected Officer of the Local, after meeting all other qualifications, shall be duly installed upon taking the following oath:

The Installing officer says:

“Give attention while I read you the obligation:

“Do you pledge on your honour to perform the duties of your respective offices as required by the Constitution of the Union and to bear true and faithful allegiance to Unifor.

Do you pledge to promote a harassment and discrimination-free environment and work to ensure the human rights of all members are respected?

Do you pledge to support, advance and carry out all official policies of the Union and to work tirelessly to advance and build the membership of our Union?

Do you pledge to deliver all books, papers, and other property of the Union that may be in your possession at the end of your term to your successor in office, and at all times conduct yourself as becomes a member of this Union?”

Officers respond, “I do.”

The Installing Officer then says:

“Your responsibilities are defined in the By-Laws, Constitution, and Policies of Unifor. Should any emergency arise not provided for in these, you are expected to act according to the dictates of common sense, guided by an earnest desire to advance the best interest of the Union. I trust you will faithfully perform your duties so that you may gain the esteem of your brothers and sisters and the approval of your conscience.”

ARTICLE XXII – Transportation, Accommodation, etc

Transportation, Accommodation, Parking and Per Diem while on Local Business:

- i) The Local will pay transportation (economy class fare) cost of any Executive Board Member, Officer, Steward or member who is on authorized Local Business.
- ii) When a personal vehicle is used the Local will pay mileage at the rate equal to the rate of the National Representative. Any adjustments to their rates will take immediate effect. Parking will also be paid.
- iii) The Local will pay the full cost of accommodation for any member who is on authorized Local business that involves overnights.
- iv) The per diem paid by the Local for food, and misc. expenses shall be paid at the rate equal to the rate of the National Representative. Any adjustments to their rates will take immediate effect.
- v) Travel cost for out-of-town members to attend Local membership meetings shall be \$25.00 per car providing two (2) or more passengers accompany the driver or that an exception is deemed reasonable and is acceptable to the Executive Board of this Local.

ARTICLE XXIII - Daycare

Daycare:

- i) Daycare expenses of maximum of \$25.00 per meeting shall be paid by this Local to any Executive Board member, Officer and Steward who require the services of a hired babysitter in order to attend either the Executive Board meeting or the General Membership Meetings.

ARTICLE XXIV – Financial Aid

Financial Aid Appeals:

- i) Financial Appeal and Donation(s) shall be at \$1.00 per member of Local 40-O to a maximum to be determined by majority vote of the Local at the subsequent general meeting of the request for the assistance.

Article XXV - Adoption

- i) These Bylaws shall be adopted upon the approval of a majority of the members voting upon their adoption in the membership meeting called for that purpose.

Revised Bylaws adopted	22 January 1976
Revised Bylaws adopted	25 November 1976
Revised Bylaws adopted	23 June 1984
Revised Bylaws adopted	5 April 1994
Revised Bylaws adopted	17 June 1997
Revised Bylaws adopted	September 2012
Revised Bylaws adopted	11 July 2016