

**BYLAWS  
of the  
UNIFOR LOCAL 87-M**

As amended November 18, 2015

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## **ARTICLE I - OBJECTIVES & STRUCTURE:**

This Local of the Unifor shall be known as Unifor Local 87-M and this name shall be used in all official business and correspondence of the Local.

The Local has been the union of choice for media workers in southern Ontario for more than half a century and shall strive to remain so while expanding its communications mandate to include broadcasting, to meet the challenges of chain ownership, corporate concentration, convergence of media and the emergence of new technologies.

### **Purpose and Objectives**

1. The objectives of this local are to unite all media workers for the following purposes:
  - a) To improve the wages, benefits and job security and to secure working conditions conducive to the good health and safety of the membership.
  - b) To advance the economic, social, political and cultural interests of the members.
  - c) To give assistance and encourage the organizing of the unorganized and to engage in other such activities as may be necessary or proper to strengthen the labour movement and to extend the benefits of collective bargaining throughout all industries.
  - d) To secure legislation safeguarding and promoting economic security and the social welfare of all workers.
  - e) To preserve and extend civil rights and liberties within a free and democratic society.
  - f) To promote a free, open and unfettered media and to defend a wide divergence of views within the media.
2. This Local shall endeavour to accomplish the foregoing purposes by organizing unorganized workers, educating its membership, negotiating collective bargaining agreements with employers, securing progressive legislation and by all other appropriate means available.

### **Membership is Supreme Authority**

3.
  - a) The membership of the Local, acting through general meetings, referenda and elections shall be the supreme authority of the Local.
  - b) All members of the union must be in good standing and sign a membership card before exercising the rights of membership, including standing for

elected positions and voting at union meetings. Cards will be available at all union meetings.

### **Elected Bodies**

4. a) Between general membership meetings of the Local, its governing body shall be the Local Representative Council.
- b) Between meetings of the Representative Council, the Executive Committee shall administer the affairs of the Local, including the authorization of routine and recurring business expenses, legal bills, donations and approval of arbitrations, contracts, strikes and organizing drives. Authorization of new or exceptional expenses shall be referred, with recommendation if possible, to the Representative Council.
- c) The Executive Committee shall normally make recommendations to the Representative Council on budgets and policy matters.
- d) The function of the Representative Council is to set budgets and policy and to hold the Executive Committee accountable for the proper administration and leadership of the Local.
- e) Decisions of the Executive Committee and the Representative Council shall be recorded in approved minutes.

Bargaining units shall exercise only those functions and powers specifically granted by these bylaws.

### **Caucuses**

6. If the Representative Council determines the Local can improve collective bargaining, education, organizing and democratic participation by establishing caucuses on the basis of geography, common interest or corporate ownership, it may do so. Such caucuses shall be creatures of the Representative Council and may be reconstituted or disbanded by the Council at any time by majority vote if it is determined the goals of the caucuses are not being met. The Local also encourages units to participate in common employer councils within Unifor.

Delegates to caucuses shall consist of the chair and vice-chair of bargaining units constituting the caucuses, or their designates. Delegates shall elect a caucus chair, vice-chair and secretary at their first meeting of the year following annual Local elections.

Caucuses shall keep and provide minutes of all meetings and shall inform the Local president of any and all meetings. Caucuses may make recommendations to the Representative Council. The Council shall consider the recommendations and may allocate any funds or other resources which the Council deems necessary and warranted. Caucuses shall abide by the Local bylaws and Unifor constitution in all of their deliberations and activities.

## **ARTICLE II - MEMBERSHIP MEETINGS:**

### **Regular Meetings**

1. a) Regular meetings of the membership shall be held a minimum of four times yearly, with no greater interval than four months between meetings. The specific time and place shall be set by the Executive Committee; the Annual Meeting shall be held in the last two weeks of April.
- b) At any membership meeting, the presence of 100 of the members in good standing shall constitute a quorum.
- c) The Executive Committee shall select a suitable location or locations outside company offices to conduct meetings of the membership.

### **Notice**

2. a) The Secretary shall give not less than 15 days' notice by steward distribution, website posting, e-mailing, faxing and selected mailing to the membership in advance of every meeting, except that in an emergency the Executive Committee may call a special meeting on 24 hours' notice. No motion to reverse or review previous decisions of the membership, Executive Committee, or Representative Council shall be acted upon unless it shall have been contained in the notice of the meeting.
- b) The Secretary shall include in the meeting announcement notice of any elections to be held at the meeting and of any notice from two or more members of an intention to move for a review or reversal of previous membership, Executive Committee, or Representative Council decisions.

### **Special Meetings**

3. A special membership meeting shall be called by the Secretary on instructions of the Executive Committee, or on a written petition signed by not fewer than ten percent of the membership in good standing at the time of the filing of the petition, or a request from a properly constituted meeting of a unit. Such meeting shall be held within 21 days of receipt of a petition or unit request.

## **ARTICLE III - REPRESENTATIVE COUNCIL:**

### **Representation of Units**

1. a) The Representative Council shall consist of the elected Local Officers, Unit Chairpersons and Vice-Chairpersons or their alternates, and unit delegates or their alternates. Unit delegates shall be elected by the unit membership

on the basis of one delegate for each 150 members or major fractions in good standing in the unit.

In the application of this section, the number of members in good standing in any unit shall be examined on the 15th day of January, April, June and October, and where the number is increased, the unit shall fill the vacancy in the usual manner, and where the number is decreased, the Unit shall decide which delegate or delegates shall be dropped. Units may, at their own option, elect alternates to the Representative Council. No full time staff member of the Local shall be a candidate for election to the Representative Council.

A unit of newly-organized members shall have representation on the Representative Council upon a successful certification vote, the receipt of a certificate from appropriate governmental authorities, or by the approval of the council.

### **Past President**

- b) The Immediate Past President shall be a non-voting member of the Representative Council.

### **Eligibility if Applying for Management Job**

- c) Any member elected to Union office will immediately ask the Local Executive Committee for a leave of absence upon applying for an excluded, management job. The leave will continue until the person either gets or is rejected for the management job.

### **Regular Meetings**

- 2. The Representative Council shall meet six times every calendar year. All meetings shall be day time bookoff meetings.

### **Special Meetings & Emergency Resolutions**

- 3. a) Special meetings of the Representative Council may be called by the President, and shall be called by the Secretary upon written request of ten members of the Representative Council from at least three bargaining units. The Secretary shall give 48 hours' notice in calling special meetings, except in case of emergency.
- b) Emergency resolutions may be put to the Representative Council between meetings by telephone poll or personal contact on the instruction of any Local Officer through the Union office staff. Every reasonable effort will be made to poll every member of the Council in good standing over a 24-hour period. The purpose of the poll and its results shall be reported to the next Representative Council meeting.

## **Voting**

4. a) A quorum at any meeting of the Representative Council shall consist of delegates representing not less than 30% of voting members and five bargaining units.
- b) The Secretary shall record attendance at each meeting for reporting purposes.

The Representative Council may excuse a member from attendance, to carry out other Union activities. Representative Council members excused to carry on other Union business shall be recorded as "Excused on Union Business" and shall be considered absent for good cause.

- c) On any vote of the Representative Council, any member may demand that it be recorded. In a roll call vote, voting and the vote of each delegate present shall be weighted in proportion to the membership he or she represents. For a roll call vote, the latest monthly roster report shall be used to determine the number of dues paying members in each bargaining unit. In a newly organized unit, the number of employees on the voters' list will be used. Notice of motion must be given to the Representative Council before the proportional vote may be used to recommend a bylaw amendment or approve any other motion. No notice is required to oppose a motion by proportional representation vote.

The Secretary shall calculate the weight of each delegate's vote for each roll call by dividing the number of members in delegate's units by the number of that unit's delegates present and voting.

## **Trustees**

5. a) The Representative Council shall choose from its number a Committee of Trustees of no more than three non-Executive Committee members and shall provide the Trustees with means sufficient to investigate the Executive Committee's conduct of union business and determine whether it is consistent with budgets, policies, resolutions and directives adopted by the Representative Council.
- b) The Committee of Trustees shall submit quarterly reports with recommendations to the Executive Committee at least one week prior to a meeting of the Representative Council. The report, including replies from the responsible officers as necessary, shall be presented to the Representative Council and upon approval by the Council shall be published in SONGsheet. The Committee of Trustees shall have oversight of the Local's financial statements.
- c) The Representative Council shall have general direction of all Local Officers.

## **ARTICLE IV - EXECUTIVE STRUCTURE AND DUTIES OF OFFICERS:**

## **Composition of Executive Committee**

1. a) There shall be an Executive Committee composed of the President, Treasurer, Secretary and six vice-presidents elected at large.
- b) Quorum for meetings of the Executive Committee shall be five of the nine officers and no business shall be transacted by the Executive Committee without quorum.
- c) Officers shall hold no permanent staff position with the Local.

## **President's Duties**

2. The President shall have full authority and responsibility to execute the policies and decisions of the union as established by the membership or Representative Council.

The President as executive officer shall:

- a) Plan or supervise, personally or by delegation, all programs and activities necessary for the advancement and welfare of the local union, its constituent bodies and the membership.
- b) Be the official spokesperson for the union in all external relations and as necessary authorize others to speak on behalf of the union.
- c) Interpret these bylaws, the interpretations to be binding unless reversed by the Representative Council or the membership.
- d) Submit a report on the affairs of the local at each regular meeting of the Executive Committee and a written report to each meeting of the Representative Council, and give timely replies to queries by the Committee of Trustees.
- e) Be a member ex-officio of all committees and subordinate bodies of the Local and may attend or designate another officer to attend.
- f) Call or convene meetings of any subordinate body of the Local or the Representative Council or its committees.
- g) Preside over meetings of the general membership, Representative Council and Executive Committee.
- h) Call special meetings of the Representative Council.
- i) Assign duties, responsibilities and authorities to other officers and staff of the Local where such assignment is not prescribed by these bylaws.
- j) Appoint all staff of the Local subject to the approval of the Executive Committee.

- k) Hold no other office in the Local nor be engaged in other employment, except by permission of the Representative Council.
  - l) Receive salary and benefits which are 10 percent higher than the elected member's pre-election base wages and benefits or a minimum of the average key reporter rate at the Globe and Mail, London Free Press and the Toronto Star per year plus benefits, whichever is greater.
3. a) Any decision of the President relating to staffing or any other matter that significantly affects a bargaining unit or the Local shall be subject to approval by the Executive Committee.

### **Vice Presidents' Duties**

4. a) The vice-presidents shall be responsible for Local communications, education, organizing, health and safety and other duties as assigned by the Executive Committee.

### **If President Unable to Serve**

5. The First Vice-President shall perform the duties of President in the prolonged absence of the President with compensation as provided in paragraph 2(l). The Treasurer shall perform the duties of President in the absence of the two senior officers with compensation as provided in paragraph 2(l). Should all three positions be vacant, the remaining members of the Executive Committee shall choose one of their number as interim president and another as interim treasurer with compensation as provided in paragraph 2 (1). Absence means a prolonged absence, and not a vacation, short-term illness or other authorized absence.

### **Other Vacancies**

6. a) Vacancies in the post of Local Officers other than indicated in paragraph 5, above, shall be filled by the next Representative Council meeting. In the interim, the Executive Committee may temporarily appoint a member in good standing to fill a vacant Local office.

### **Secretary's Duties**

7. The Secretary shall be the custodian of the Local's records, other than financial, and shall conduct routine correspondence of the Local, other than financial, and such other correspondence as may be directed by the President, and shall keep accurate minutes of meetings of the membership, the Representative Council and the Executive Committee.

### **Treasurer's Duties**

8. The Treasurer shall be the custodian of all funds of the Local under the direction of the Executive Committee, except that no authorization shall be required for routine office expenses. The Treasurer shall report on finances at all regular meetings of the membership and Representative Council and provide interim reports as requested by the Executive Committee. The Treasurer shall present all accounts and supporting documents for audit forthwith at the request of the Committee of Trustees of the Representative Council.

The Treasurer shall provide the national Secretary-Treasurer with the Local's audited financial statements.

The Treasurer shall keep complete and accurate records of the membership, their addresses and dues standing. He or she shall be responsible for the application in the Local of the financial provisions of these bylaws, acting through unit secretaries in the case of members of units, and shall issue to unit secretaries, membership cards for persons admitted to membership, and other routine supplies required for their work.

### **Financial Oversight**

9.
  - a) All signing officers and all officers and employees authorized to handle Local funds shall be bonded in an amount and manner to be determined annually by the Representative Council.
  - b) The fiscal year of the Local union shall be the calendar year. At the end of each fiscal year, there shall be an independent professional audit of all accounts which are under the direction of the Representative Council, and the results shall be made available to all members of the Local.

## **ARTICLE V - ELECTIONS:**

### **March Elections**

1. Officers of the Local shall be elected every two (2) years by secret ballot membership referendum beginning during the first two weeks of March. A member may simultaneously run for an Officer position as well as a Unit Chairperson or another unit executive member.

### **Elections Committee**

2.
  - a) A Nomination and Election Committee of five members and up to five alternates to handle all Local elections and referendums shall be elected annually by the membership at least 60 days before the Annual Local Election. This Committee shall not take office until the completion of the meeting at which it is elected. The Committee shall receive nominations for local elections, ascertain if nominees are eligible and willing to stand for office, and make all preparatory arrangements so that the elections may be conducted in an orderly and expeditious manner.

Decisions of the Election Committee will be considered final unless changed by a majority vote at a general meeting. The Executive may not interfere or in any way make decisions for the Election Committee. A copy of this Article shall be provided to each member and each alternate on his or her election to the Nominations and Election Committee. Election Committee members shall perform their duties in a neutral manner and shall not campaign for or endorse any candidate.

- b) No member of or candidate for the Executive Committee shall be a member of the Election Committee.
- c) The Representative Council shall provide the Election Committee with a budget sufficient to engage independent persons, including National and Local staff, as necessary to administer votes and ensure ballot integrity.

### **Nominations**

- 3. a) Nominations for Officers of the Local shall be made in writing, phone or electronically with the name of the mover and seconder, and given to the election Committee.
- b) A member may be nominated for more than one office, but no person shall allow his or her name to stand for election for more than one of President, First Vice-President, Second Vice-President, Third Vice-President, Fourth Vice-President, Fifth Vice-President, Sixth Vice-President, Treasurer or Secretary.
- c) No member shall place in nomination more than the number of candidates to be elected for each position.
- d) The nomination shall be reported by the Committee at a General Meeting in January. At least 15 days' notice that the meeting will include nominations shall be given by steward distribution, website posting, e-mailing, faxing and selected mailing to each eligible member, including elections to fill vacancies as provided in 6(a). Additional nominations may be made from the floor at this meeting before nominations are finally closed. Nominators from the floor shall confirm such nominations in writing to the Nomination Committee before the close of the meeting.

Nominations shall close at the close of the nomination meeting, whether or not a quorum is present. Nomination refusals or acceptances must be delivered to or obtained by the Nomination Committee within 48 hours after this nomination meeting.

- e) If there is only one nominee for an office, he or she shall be declared elected by acclamation after nominations have closed.

### **Voting**

5. a) Only members in good standing shall be entitled to move or second nominations, to stand for office, or to vote. A member in good standing is one who has signed a membership application in a certified bargaining unit of the local union and who is not barred from membership by reason of having committed a violation of the constitution, or had their application for membership rejected under the constitution. A certified bargaining unit is one where there has been a successful vote, or one which has received a certificate from the appropriate government authorities, no later than the date of the meeting at which candidates are nominated for that election.
- b)
  1. Balloting shall be done on a ballot form adopted by the Nomination and Election Committee.
  2. Ballots shall be printed or mimeographed or photocopied and their exact number certified — under the personal supervision of at least two members of the Election Committee.
  3. Ballots shall be distributed by stewards or by mail, as the Committee may decide. In the alternative, upon the decision of the Representative Council, the Election Committee shall implement and supervise workplace and/or electronic balloting provided that practical voting options are available for remote workplaces or job assignments.
- c) When a post office box is used for the receipt of ballots, at least two members of the Election Committee shall be present when it is opened. No fewer than two members of the Committee shall have charge of the ballots until they have been counted.
- d) Returning Officers shall be elected by the Nomination and Election Committee.
- e) An up-to-date list of members in good standing shall be furnished to the Election Committee for the purpose of checking nominations and eligibility to vote.
- f) The official voting period shall be open for at least 10 business days (excluding Saturdays and Sundays), opening at 9 a.m. on the first day and closing at 5:30 p.m. on the final day. Only ballots that are in the Union Post Office Box or properly in the possession of the Election Committee at 5:30 p.m. on the final day will be counted.

When ballots are distributed by stewards, the stewards shall be notified four days before the opening of the polls when ballots will be ready for distribution. They will pick up the ballots on the days polls open, and distribute them. All ballots which in their judgment, they would be unable to deliver by hand within two days, must be returned to the Union office for immediate mailing.

No candidate for any Unit or Local office shall distribute, collect, or tally ballots.

Election Committees will make every effort to time distribution so that ballots will not be delivered to members before the official voting period, but so as to reach members at the earliest possible time after the beginning of the voting period.

The following statement shall appear on all envelope flaps:

“This ballot is to be mailed so as to reach the Union Post Office Box not later than (final hour and date of closing). Only ballots that are in the Union Post Office Box at the closing hour will be counted.”

- g) Advanced polling facilities shall be provided at the Union Office or any other location designated by the Election Committee for three complete office days prior to the voting period for members unable to be present during that period. Advance polling shall be by sealed, stamped envelope provided by the office staff, on signature of a receipt, addressed to a Post Office Box provided by and under the sole control of the Election Committee. Envelopes shall be kept unopened and under the control of the Election Committee until ballots are counted after the close of the election. Members who are out of town shall be provided mailed ballots by first-class mail in Canada and by airmail elsewhere, five calendar days prior to the opening of regular polling.
- h) If there are more than two candidates for any Union or unit office, the candidate receiving the highest number of votes shall be declared elected.
- i) While campaigning may commence at any time during the year, it shall cease 24 hours before the polls open. In the event of mails being used, the postmarked time shall obtain.

### **Term of Office**

- 6. All officers and members of the Representative Council shall take office April 1 and shall hold office until the following March 31.

### **Election of Convention Delegates**

- 7. a) Delegates and alternates to the conventions, conferences, or committees of Unifor National, the Ontario Federation of Labour or the Canadian Labour Congress, shall be nominated from the floor and elected by secret ballot at general membership meetings, which shall also determine the number to be elected. The number of delegates to be elected and receiving the highest vote in the election shall be declared elected. Candidates nominated but not elected as delegates shall be declared alternates, to be called on in the event one or more delegates is unable to serve. Alternates shall be ranked according to the number of votes each received. Where a meeting at which

such an election was to have taken place fails for lack of a quorum, the Executive Committee shall determine the number of delegates to be elected and shall elect them at its next meeting.

- b) Delegates to the Toronto and York Region Labour Council shall be elected at the annual membership meeting for a one-year term. In the event of a mid-term vacancy, the Executive Committee may appoint an alternate delegate.
- c) Where elections are held at a membership or Representative Council meeting, candidates shall be eligible for election only if they indicate willingness to stand in person or by a letter delivered to the Secretary or Nomination and Election Committee prior to the completion of the meeting.

## **ARTICLE VI - BARGAINING UNITS:**

### **Unit Elections**

1. a) Each unit shall hold a meeting during the month of January at which a Nomination and Election Committee shall be elected and shall receive nominations at the meeting and to supervise elections for Unit Chairperson, Vice-Chairperson, Secretary, delegates and alternate delegates to the Representative Council. At least 15 days' notice of this meeting shall be given by steward distribution, website posting, e-mailing, faxing and selected mailing to each unit member. In conducting the election, the committee shall abide by the relevant provisions of Article V.

The election shall be completed and the ballots counted within the same voting period fixed by the Local Election Committee as provided in Article V - Elections, section 1(a).

- b) Upon the direction of the Executive Committee, the Elections Committee shall make every reasonable effort to implement and supervise workplace and/or electronic balloting for Unit elections.
- c) Except as provided in paragraph (b) above, election shall be by mailed-in ballot when less than 20 percent of the unit membership is present and voting. Elections shall be at the Unit Meeting or by mailed-in ballot at the discretion of the meeting when more than 20 percent of the unit membership is present at the unit meeting.
- d) Unit delegates shall be certified to the Representative Council by the Unit Secretary.
- e) All unit election disputes shall be decided by the Local Election and Referendum Committee.
- f) In elections for unit positions, a plurality and not a majority is necessary only to elect.

### **Special Unit Meetings**

2. A special meeting may be called by the Unit Chairperson or Acting Chairperson, but shall be called by the Unit Secretary on receipt of a written petition signed by not fewer than ten percent of the unit membership in good standing at the time of the filing of the petition, but in no case less than five members.

### **Unit Secretary's Duties**

3. The Unit Secretary under the direction of the Treasurer shall have charge of the execution of the fiscal provisions of these bylaws as they apply to the members of his or her unit.

### **Vacancies and By-Elections**

4. Vacancies in the posts of unit officers or delegates to the Representative Council shall be filled by a unit election at the next meeting.

### **Minutes of Unit Meetings**

5. Each unit shall file promptly after each unit meeting, a copy of the minutes of the unit meeting with the Local Secretary.

### **Honouraria**

6. The Local shall pay to each Unit Chair an annual honourarium (paid pro-rata if necessary) based on the following scale. Full-time Unit chairs shall not receive the honorarium.

1 – 99 members: \$750  
100 - 199 members: \$1,000  
200 - 399 members: \$2,000  
400 plus members: \$3,000

## **ARTICLE VII - STEWARDS:**

### **Duties and Term of Office**

1. a) Stewards shall be elected in all departments by the bargaining unit membership or appointed by the unit executive for a term of two years, to begin April 1 and end March 31. Their duties shall include the following: To receive and investigate grievances, to sign up new members, to enforce the collective agreement, to keep members informed on Union matters and to carry out such other duties as may be assigned, all subject to these bylaws.
- b) No term of this Article shall prevent any steward from acting in the interest of any member of the bargaining unit.

## **Steward Elections**

2. a) Elections shall be held at departmental (constituency) meetings to be called by the unit executive. To be eligible for election as a steward, a member must be nominated and seconded by members of his or her constituency and be present at the constituency election meeting or have a letter of intent to stand for election delivered to a unit officer before the start of the constituency election meeting. Wherein no member of a said constituency is nominated, a steward for that term may be appointed by the unit executive.
- b) Where 1/3 of a constituency's membership expresses dissatisfaction with its steward in writing, the Executive Committee shall order a new election, with the incumbent steward to remain in office until re-elected or replaced.
- c) Resignations of stewards shall be submitted to the Executive Committee which shall have the authority to call by-elections.
- d) The Unit Executive shall determine in January of each election year, the constituencies for steward representation and the number of stewards to be elected in each. These decisions may be appealed to the Local Nominations and Elections Committee.

## **ARTICLE VIII - UNION COUNSELLORS:**

1. a) Union Counsellors shall be appointed by the Executive Committee with due consideration to the qualities necessary to perform the duties of the position.
- b) Union Counsellors shall act as information and referral agents to help solve fellow workers' concerns of a personal nature such as financial, drug or alcohol, family welfare or legal problems, which do not normally fall within the scope of the Collective Agreement or other union services.
- c) Union Counsellors shall ensure that all cases of employee discipline are referred to a steward or their Unit Chairperson.
- d) Union Counsellors shall maintain confidentiality at all times in performing their duties.
- e) Union Counsellors shall be accountable to the Chief Steward and/or to the Unit Chairperson.
2. a) The Executive Committee will deal with complaints in regard to a Union Counsellor's performance.
- b) The Executive Committee shall have the final authority to remove a Union Counsellor from office.

## **ARTICLE IX - MEMBERSHIP:**

1. An applicant for membership shall apply to the Executive Committee and final action upon any application shall be by the Executive Committee.
2. Reinstatement fees shall be set by the Local Executive Committee.
3. A resignation of membership is not effective unless accepted by the Executive Committee or as a result of permanent resignation of bargaining unit employment.

## **ARTICLE X – ASSOCIATE AND AT-LARGE MEMBERS**

1. Members of Local 87-M who are retired, permanently laid off or on leaves of absence from their employment may become associate members. Such members will not be required to pay dues.

The Local, at its absolute discretion, may allow freelancers and/or other persons with a past or present involvement with the Local to become associate members for a term determined by the Local, and may require such members to pay dues at special category rate.

2. Subject to the provisions of subsection 3 below, associate members will have the right to:
  - a) attend general membership meetings;
  - b) identify themselves as associate members;
  - c) participate as otherwise determined by the Local.
3. Associate members will not pay per-capita dues to Unifor. As such, they will not be eligible to:
  - a) vote at general membership meetings;
  - b) vote in Local elections or hold Local office;
  - c) be selected as a voting delegate to the Unifor convention, Unifor Media Council or any other Unifor decision-making conference or body;
  - d) be selected to represent the Local or Unifor at labour councils, conventions of the Ontario Federation of Labour, Canadian Labour Congress or any other decision-making labour conference or body;
  - e) vote on any matter concerning the allocation of the Local's budget or defence fund.

4. The Local may allow staff, past members or other persons with a past or present involvement with the Local to become members-at-large for a term determined by the Local. Such members will pay per capita dues to Unifor on a regular basis and enjoy all the rights and privileges of regular members.
5. Should there be any conflict between the provisions of this article and the Unifor Constitution, the Unifor Constitution shall prevail.

#### **ARTICLE XI - COLLECTIVE BARGAINING:**

1. a) Negotiators in collective bargaining on behalf of the Local or any of its units shall be elected by members of the unit concerned. The chief negotiator shall be the President or his or her designate from outside the unit membership, as approved by the Local Executive Committee.

Prior to the opening of nominations for unit bargaining committees, the Local Executive Committee shall decide the maximum number of members of the unit's bargaining committee who may be reimbursed by the Local for lost wages for the purposes of bargaining, subject to the requirement that each major department be entitled to a representative or representatives with the goal of fair, equitable and practical representation of departments on the unit bargaining committee.

- b) The nominations for unit bargaining committees shall be made at unit meetings, except that where separate departmental contracts exist or where a vacancy occurs on the bargaining committee, they may be made at departmental meetings. At least 15 days' notice shall be given of such meetings.
- c) Departmental representatives shall be nominated and elected by members of the department to which the nominees belong, or through a vote of the general membership unit.
- d) Bargaining committees may be elected at any time for caucus or pattern bargaining and again for negotiating of the unit contract.
- e)
  1. Elections shall be by mailed-in ballot, onsite voting or electronic voting when less than 20 percent of the relevant membership is present at the unit meeting.
  2. Elections shall be at the unit meeting or by mailed-in ballot, onsite voting or electronic voting, at the discretion of the membership when more than 20 percent of the relevant membership is present at the meeting.

2. a) Any agreement arrived at in negotiations shall be submitted to the membership of the unit or units concerned for approval. Before signing, it shall require ratification also by the Executive Committee of the Local.
3. a) The Executive Committee shall have the authority to recommend approval for strike action in accordance with the Unifor constitution.
4. a) The Representative Council shall have the authority to set policy on eligibility and level of strike pay and health & welfare benefits provided the policy meets the minimum requirements under the Unifor constitution.
  - b) Without limiting the generality of the foregoing, the Representative Council may increase strike pay up to 100% of the usual amount in the event of a strike related to the establishment or defense of chain bargaining.
  - c) Further without limiting the generality of the foregoing, the Representative Council may utilize the Local defense fund to reimburse or maintain the income of members employed on a sales commission basis where that income is negatively affected by the union's authorized strike-related action.

#### **ARTICLE XII - DISCIPLINE:**

1. The President, or an alternate designated by the Executive in the case of a conflict or inability to act, shall appoint trial board members within 10 days of the laying of charges. Should both the president and offices be in a conflict of interest or unable to act, the Representative Council shall appoint the trial board.
2. The Local Staff Representative (or an alternate designated by the Executive in the case of a conflict or inability to act) shall act as an advisor to the Trial Board on procedural and other matters.
3. The accused and accuser(s) shall each have the right to appoint an advisor from the ranks of the membership. Non-members may not participate in trial proceedings. Advisors shall be available to attend the trial if so requested. Normal expense policies shall apply.
4. All trial evidence shall be presented in open session.
5. Trials shall be held during non-working hours unless there is mutual consent to do so during working hours. The foregoing requirement for mutual consent shall not apply to members who are unavailable because they have crossed a legal picket line and are working for the struck employer. Trials shall be held in an accessible location.
6. It is generally intended that members of the trial board shall probe evidence and test the credibility of the accused and accuser(s) to arrive at a decision. However, the board may, at its discretion, allow the accused and accuser(s) or their advisors to cross examine witnesses.

7. The Chair of the trial board shall be allowed up to one day's book-off time to write the board's report. Any further book-off time shall require approval from the President (or, in the case of a conflict or inability to act, the Executive).
8. All guidelines and procedures shall be consistent with the Unifor Constitution and Local bylaws. Where there is a conflict, the Unifor Constitution shall take precedence.

## **ARTICLE XIII - DUES AND ASSESSMENTS:**

### **Regular Dues**

1. a) Dues shall be 1.49% of gross pay, subject to the following exceptions, and subject to amendment by the Local membership.
  - i) Members in new bargaining units being organized by the Local shall commence payment of dues and any assessments upon the execution of the first collective bargaining agreement covering their bargaining unit. Such members shall have all rights, privileges and obligations of membership.
  - ii) Members not employed by the Local who are working in a shop not under Local contract for whom the Local does not hold bargaining rights shall pay an amount equal to the normal per capita tax.
  - iii) In newly organized units, those earning the provincial minimum wage shall not be assessed dues until they receive a union-negotiated pay increase.

### **No Initiation Fees**

2. Each applicant for membership not under contract shall pay any initiation fee required by law.

### **Special Assessments**

3. By vote of a membership meeting or referendum, the Local, or an individual unit, may levy monthly an assessment of not more than one percent of weekly salary or a flat fee of not more than \$10, per member, per week. Such special assessments are intended for purposes such as the development of a strike preparation fund to provide members with additional benefits in the event of a work stoppage. The funds are to be returned to the members if they are not used for the original purpose.

### **Increase in Regular Dues**

4. Dues will be set at 1.783 per cent of gross pay when defence fund balances fall below \$1-million. The higher assessment will begin one quarter after the defense fund falls below \$1 million and will continue for one quarter after the balance returns to \$1 million except that once the fund achieves a balance of \$4 million, the trigger for the extra levy shall continue for one quarter after the balance returns to \$2 million. During periods when dues of 1.783 per cent of regular gross pay are assessed, six per cent of the total dues received by the Local in each quarter shall be transferred to the Local Defence Fund at the beginning of the following quarter.

### **Property of the Local**

5. All money collected on behalf of or in the name of the Local shall be the property of the Local.
6. The Local may transfer the property held by it, known municipally as 1253 Queen Street East and the assets held in the Local Defense Fund and such other of its assets as the Representative Council shall in the future deem advisable, to a non-profit corporation established by the Local which shall hold such assets in trust for the Local, pursuant to a Declaration of Trust in the form attached as Appendix "A". This authority shall continue until expressly revoked by subsequent resolution.

### **ARTICLE XIV - REFERENDA:**

1. Any matter to be decided by the Local may be submitted to membership referendum by the Executive Committee or the Representative Council on their own authority, or by members upon presentation to any member of the Executive Committee of a petition signed by not less than five per cent of the membership in good standing at the time of the filing or upon a resolution endorsed by members' meetings of three or more units.

### **ARTICLE XV - PUBLICATION:**

1. The Local shall produce from time to time a publication under the supervision of the Executive Committee. This publication shall be distributed to the entire membership free of charge.

### **ARTICLE XVI - AMENDMENTS:**

1. These Bylaws may be amended by any membership meeting or by membership referendum upon submission of the proposed amendment by the Executive Committee or Representative Council on their own authority or by petition signed by not less than 10 per cent of the membership in good standing. At least 15 days prior to the meeting, notice of the proposed amendment giving the exact time and place of the meeting shall be mailed to the membership. Exact details of the proposed amendment shall be posted on all Union bulletin boards.

#### **ARTICLE XVII - CONDUCT OF MEETINGS:**

1. a) Membership meetings and meetings of the Executive Committee and Representative Council shall be conducted according to Bourinot's Rules of Order and by amendments to this section.
- b) Quorum for meetings of the Membership and Representative Council shall be as stated in the applicable articles of these bylaws. No action of any meeting of the Membership or Representative Council called with sufficient and proper notice shall be invalid for lack of a quorum unless the question of lack of a quorum was raised before such action was taken. The notice for a membership meeting shall include an agenda.

#### **ARTICLE XVIII - GOOD STANDING:**

1. a) A member shall be in good standing unless otherwise determined by a trial board in a manner consistent with the Unifor National Constitution.

#### **ARTICLE XIX - AUTHORITY TO MERGE, AFFILIATE AND AMALGAMATE:**

1. a) The Local shall have the power to merge, affiliate or amalgamate with any other trade union organization should such merger, affiliation or amalgamation be approved by a majority of those members who vote in a referendum vote.
- b) Where another trade union is merging with the Local and there is to be no change in the structure or name of the Local as a result of the merger, the merger may be effected by the passing of a motion in support of the merger at any membership meeting, without the necessity of holding the referendum vote as set out in paragraph (a) herein.

#### **ARTICLE XX – RETIREES’ ORGANIZATION**

1. The Local may establish a retirees’ organization open to former local members, who will be able to participate in union activities but who will not have voting rights at general members’ meetings.

## APPENDIX "A"

### DECLARATION OF TRUST

SOUTHERN ONTARIO MEDIA WORKERS' SOCIETY INCORPORATED, (hereinafter the "Trustee"), hereby acknowledges and declares that it holds the real property known as 1253 Queen St. East, Toronto, Ontario and the monies held in and to be applied to the Local Defence Fund (hereinafter the "Trust Property") and such other property as may replace or be added to it, in trust for the benefit of the Southern Ontario Newsmedia Guild (hereinafter the "settlor"). The undersigned further declares that all advantages, profits and dividends accruing on or arising from the Trust Property shall be held by the undersigned for the use, benefit and advantage of the Settlor.

The Trustee shall have the power at any time and from time to time:

- (a) to invest the Trust Property in any investments which the Trustee considers advisable, notwithstanding that such investments may not be investments authorized by law for trustees;
- (b) to invest the Trust Property or any part or parts thereof in any low or non-income producing investments;
- (c) to sell any part or parts of the Trust Property at public auction or at any private sale to any individual, corporation or association, at such price and upon such terms and with or without security or interest as the Trustee deems advisable;
- (d) to deal with any shares, bonds or other securities which may from time to time form part of the Trust Property in such manner as the Trustee considers advisable, including voting shares, serving as director of any corporation, participating in any reorganization or share exchange, entering any voting trust agreement, granting proxies, and admitting to register any such property;
- (e) to hold the assets from time to time constituting the Trust Property in bearer form, in its own name or in any other name and without disclosing the fiduciary relationship;
- (f) to keep the whole or any part of the Trust Property within or without the Province of Ontario;
- (g) to adopt any rules it sees fit to allocate and apportion receipts and expenditures as between income and capital of the Trust Property;
- (h) to distribute the Trust Property or any part or parts thereof in cash or kind;
- (i) to make any payments it sees fit for expenses and other liabilities of the Trust;
- (j) to incorporate any corporation;

- (k) to obtain and pay for the opinion of legal counsel on any dispute touching the Trust or the Trust Property and retain counsel to act for the Trust if the Trustee sees fit;
- (l) to borrow money from any government, individual, corporation or association upon such terms as the Trustee sees fit (but solely for the purpose of administering the Trust Property) and for such purposes to pledge, hypothecate, charge or otherwise encumber the Trust Property or any part or parts thereof;
- (m) to employ bankers, brokers, agents, auditors and advisors of all kinds upon such terms as the Trustee sees fit; and
- (n) in connection with income tax, to choose the fiscal year of the Trust, to make elections, take depreciation, obtain payment deferrals, litigate and settle tax disputes, and take all such other steps as are available under taxing statutes as the Trustee considers appropriate for the benefit of the Trust and its beneficiaries and, further, to join with any beneficiary to make elections under taxing statutes.

PROVIDED THAT none of the powers hereinbefore set out shall be exercised in any manner whatsoever so as to offend against any law respecting perpetuities from time to time made applicable to the Trust.

Inasmuch as the Trustee is not hereby limited to investing the Trust Property in investments authorized by law for trustees, the Trustee shall not be liable for any losses sustained by the Trust by reason of the purchase, retention, sale, exchange or other disposition of any investment made by the Trustee in good faith.

This Trust is organized and shall be operated exclusively for the purpose of promoting trade unionism and the welfare of those working in the print and electronic media in Southern Ontario. The Trustee shall act in such manner in relation to the Trust Property as the Settlor shall direct.

On demand, the undersigned agrees to account to the Settlor for all advantages, profits and dividends received by the undersigned, accruing on, or arising from, the Trust Property.

IN WITNESS WHEREOF the said Corporation has hereto affixed its corporate seal, attested by the hands of its duly authorized officers this    day of    , 1994.

**SOUTHERN ONTARIO MEDIA WORKERS' SOCIETY INCORPORATED**

Per: Gail Lem, President

Per: Martin Mittelstaedt, Treasurer