

BYLAWS  
OF  
UNITED FOOD AND COMMERCIAL WORKERS CANADA UNION  
EASTERN PROVINCES COUNCIL

PREAMBLE

Because the history of workers has been a record of constant struggle for dignity and equality;

And because wealth, with its accompanying power, is more and more concentrated in the hands of few;

And because the organization of workers into trade unions is essential to the economic, social, and political freedom of society and to a successful democracy;

And because in our union there is strength and workers are better able collectively to secure their share of the profits from their toil;

This Council is created in order to elevate the social and economic status of workers and, further, to advance the principles and practice of freedom and democracy for all.

ARTICLE I

Name

This organization shall be known as the Eastern Provinces Council, duly chartered by the United Food and Commercial Workers International Union, AFL-CIO, CLC (United Food and Commercial Workers Canada).

## ARTICLE 11

### Objectives

The objectives of the Eastern Provinces Council (hereinafter also referred to as the Council) shall be the elevation of the position of its members, and further: to conduct the Eastern Provinces Council of persons engaged in the performance of work within its jurisdiction; to organize, unite, and assist persons, without regard to race, creed, color, sex, religion, age, disability, sexual orientation, gender identity, gender expression, national origin, or ethnic background, engaged in the performance of work within its jurisdiction for the purpose of improving wages, hours, benefits, and working conditions on local, national, or international levels; to obtain the status of exclusive bargaining representative of persons employed within its jurisdiction and to process and resolve grievances and enforce all other rights arising out of such collective bargaining relationships; to encourage members and all workers to register and vote; to support research in its industries for the benefit of its members; to advance and safeguard the full employment, economic security, and social welfare of its members, and of workers generally; to protect and extend democratic institutions, civil rights and liberties, and the traditions of social and economic justice of the United States and Canada; to create and disseminate publications; to protect and preserve the Council as an institution and to perform its legal and contractual obligations; to protect the Council from any and all corrupt influences and from the undermining efforts of all who are opposed to the basic principles of democracy and democratic unionism; to acquire, receive, hold, manage, lease, convey, invest, expend, or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in the International Constitution and the Council bylaws; to carry out the purposes of the International Union as set forth in the Preamble and provisions of the International Constitution; to take all steps and actions, which are reasonable and proper, to promote the welfare and interests of its members, of workers within its jurisdiction and of workers generally and to afford mutual protection to members against unwarranted rules, unlawful discharge, or other forms of injustice or oppression; to sponsor, encourage, engage in, and support financially, and otherwise, educational, legislative, political, civic, social, health, welfare, community, or charitable projects or activities; and to support and encourage such

other objectives for which working people may lawfully combine for their mutual protection and benefit.

1. To be the coordinating and servicing centre of all affiliated locals.
2. To have the Local Unions within the Council's jurisdiction, chartered by the United Food and Commercial Workers International Union, become and remain affiliates of this organization.
3. To render services to its affiliates, such as:
  - a.) Providing for regular membership and executive meetings.
  - b.) Arranging and coordinating joint activities of its affiliates.
  - c.) Organizing workers into affiliated Local Unions of the Council.
  - d.) Providing clerical and bookkeeping services personnel necessary as to the requirements of the Council and its affiliates.
  - e.) Providing union representatives to advise, assist, and coordinate the activities of the affiliates, negotiation of collective bargaining agreements, handling of grievances and performing such other duties as the Council, through its elected officers, may require in promoting and advancing the objectives of the Council and its affiliates.

### ARTICLE III

#### Jurisdiction

Section A. The geographical jurisdiction of this Council shall encompass the provinces of New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland and Labrador, and such area as may be determined from time to time by the International Union.

Section B. The trade jurisdiction of this Council shall encompass such jurisdiction as may be determined from time to time by the International Union.

ARTICLE IV  
Representation of Council Affiliates

1. All Local Unions of the United Food and Commercial Workers, within jurisdiction of the Council shall affiliate to the Council.

2. The President, Secretary-Treasurer, Recorder, and Executive Vice President will be filled equally from different Provinces. The election will occur from the President first, Secretary-Treasurer second, Recorder third, and the Executive Vice President fourth.

3. Each Province affiliate will be entitled to representation on the Council Executive Board on the following basis: Two (2) Vice Presidents from each Province affiliated.

4. All Vice Presidents from each affiliate must be members of their respective Locals and the Local Union President and Secretary-Treasurer shall be a member of the Executive Board of the Eastern Provinces Council.

5. The President of each affiliate will be responsible for keeping the Council informed of the names, addresses, and telephone numbers of the officers of the Council.

If a Local Union President is elected to the position of Council President, Council Secretary-Treasurer, Council Recorder, or Council Executive Vice President, a Vice President from that President's Local Union shall sit on the Council Executive Board to represent their Local.

6. Each Local Union will be required to keep the Council informed of its officers and committee people and related information.

ARTICLE V  
Executive Board

Section A. The Officers of the Eastern Provinces Council Executive Board shall be:

1. One (1) – President
2. One (1) – Secretary-Treasurer

3. One (1) – Recorder
4. One (1) – Executive Vice President
5. Two (2) – Additional Vice Presidents from each Province affiliated

The fillings of positions 1, 2, 3, and 4 will be filled, one from each Province.

Section B. The duties of Council officers and employees shall be those provided by the Constitution and laws of the International Union and such other duties as may be provided in these bylaws or by the Council from time to time.

Section C. 1. The President shall be the chief executive officer of the Council and shall be responsible for enforcing the Constitution and laws of the International Union and the bylaws and rules of the Council. The President, or the President's designated representative, shall preside at all meetings of the Council and the Council Executive Board and shall decide all questions of order subject to an appeal to the Council or Council Executive Board, as appropriate, provided that any such decisions on appeal are consistent with the Constitution and laws of the International Union. The President, by virtue of office, shall be a delegate or representative to any convention or meeting to which the Council is entitled to and elects to send delegates or representatives except as otherwise provided in Articles 8(I)3 and 15(E) of the International Constitution. The President shall have general supervision over the affairs of the Council. Subject to the provisions of the respective trust agreements, the President, or the President's designated representative, shall be a trustee of all employee benefit trusts on which the Council is entitled to a trustee, and the President shall appoint any other trustees to which the Council is entitled on such trusts. The President or the President's designated representative shall have the authority to appoint stewards, or to determine that stewards in designated locations be elected by the affected membership, and shall have the authority to remove stewards in either instance. The President shall appoint all committees as may be necessary, and shall perform such other duties as are required by the President's office. The President shall vote where that vote would be determinative of the outcome or in all cases where a secret ballot is conducted. The President may appoint sergeants-at-arms to assist in properly conducting meetings of the Council.

2. The President shall disburse the Council's funds and, except for disbursements required to be made from the funds of the Council by the Constitution or laws of the International Union or these bylaws, disbursements shall be authorized or ratified by the Council Executive Board. Disbursements shall be made in accordance with Article 36(C) of the International Constitution. The President shall invest and reinvest the surplus funds of the Council, upon the approval of the Council Executive Board, according to standards applicable to fiduciaries.

3. The President shall have the authority to interpret the bylaws and rules of the Council. Any such interpretation may be appealed to the Executive Board within thirty (30) days after the decision has been rendered. Any such interpretations or decisions on appeal shall be consistent with the Constitution and laws of the International Union. The President shall have the authority to resolve any controversy, dispute, or grievance that may arise between members of the Council for which a remedy is not otherwise provided in these bylaws. Nothing contained herein shall be construed or applied in derogation of any rights or remedies provided by the International Constitution.

4. The President may employ or retain such personnel as may be necessary to conduct the affairs of the Council. The President may terminate the employment of any such person at the end of an assignment or in the best interest of the Council; except that, the President may terminate the employment of any Union Representative for reasonable cause, subject to an appeal to the Council Executive Board.

5. The President shall determine the compensation and expenses, or expense policy, for all personnel employed or retained by the Council, subject to the approval of the Council Executive Board.

6. The President shall be the custodian of the union shop identification cards, or other such indicia, union logos, union labels, union domain names, and other identification of the Union as are issued by the International Union.

7. The President shall forward to the International Secretary-Treasurer a monthly membership report in the format provided, approved, or mandated by the International Union, giving an accurate record and summary of the membership as of the last day of the month for which the report is submitted. The President shall complete the report consistent with the requirements of Articles 34(B)6 and 34(B)7 of the International Constitution.

8. The President shall receive and properly receipt all money collected.

9. The President shall make an itemized statement, which shall contain accounting categories substantially similar to those required in the Council Trustees' financial report provided for in Article XI, Section D of these bylaws, including a statement of assets, liabilities, and net assets, at each regular meeting of the Council Executive Board of all moneys received and paid out by the President, the accuracy of which shall be certified by the Trustees of the Council. The President shall make the Council financial records available to the Trustees at their request. The President shall make such itemized statement available for inspection by the members at the Council on a reasonable basis. The President shall also make or distribute a financial report at a regular meeting or series of regular meetings of the membership not less than once a year.

Section D. The Secretary-Treasurer shall assist the President in the carrying out of the President's duties and responsibilities and shall conduct the Secretary-Treasurer's office under the general supervision of the President. The Secretary-Treasurer, by virtue of office, shall be a delegate or representative to any convention or meeting to which a Council is entitled to and elects to send more than one delegate or representative except as otherwise provided in Articles 8(I)3 and 15(E) of the International Constitution.

Section E. The Executive Vice President and Vice Presidents shall assist the President in the discharge of the President's official duties. They shall be numerically designated for election purposes only.

Section F. The Recorder shall report the minutes of each Council membership and Executive Board meeting, keeping an accurate and permanently bound or unalterable electronically stored record of all proceedings.

Section G. 1. All Council officers who are entrusted with any books or records of the Council shall maintain and keep such books or records in good order and shall at all times have them available for authorized audit, examination, or inspection.

2. All officers at the expiration of their respective terms of office, or when removed or when their offices become vacant, shall deliver to their duly elected successors,

and if there is no such successor, then to the duly elected Trustees of the Council, all books, papers, moneys, and other property in their possession belonging to the Council or International Union, and they shall not be relieved from their bonds or obligations until they have complied with this requirement.

Section H. Compensation and expenses, or the expense policy, for officers and affiliates shall be established by the Council Executive Board.

Section I. The duties of the Executive Board shall be those provided in the International Constitution and these bylaws and such other duties as may be provided by the Council from time to time.

Section J. The Council Executive Board shall have full and complete charge of all business of the Council not otherwise delegated to a specific officer or officers, or reserved to the membership. It shall meet not less often than once a quarter, provided further, that such quarterly meetings shall not be more than four months apart. The President shall be authorized to call additional meetings of the Executive Board whenever the President deems it advisable or whenever requested by a majority of the Executive Board. The Executive Board may meet by teleconference call or other means approved by the International Executive Board, provided it meets in person at least two times a year. The Council President may conduct a vote of the Executive Board by mail, telephone, or other form of communication the Council President deems appropriate. A majority of its members shall constitute a quorum and at least one (1) from each Province affiliated.

1. The Executive Board shall be composed of a President, Secretary-Treasurer, Recorder, Executive Vice President, and eight (8) Vice Presidents as set out below.

2. The Election of the Executive Board shall take place at a Council Convention held during the last ninety (90) days of the term of office. The term of office shall be four (4) years.

3. Each election year, notice of elections will be sent to each affiliate in the month of August.



4. Voting will be by majority of those voting. Proxy voting shall not be permitted.

5. Nominees for office must be present or filed with the President or Election Chairperson a written intention, if nominated, prior to the close of the nomination process.

6. Any member of the Council is eligible to be elected to any office.

7. A Vice President of the Local Union and Province where the vacancy occurs will fill any position on the Executive Board, which becomes vacant during the year, at the next meeting.

8. In the case of vacancy in the office of the Council President, the Secretary-Treasurer of the Council shall perform the President's duties until a new President is elected by the Council Executive Board.

9. If any officer shall fail to attend three (3) successive Council Executive Board meetings, without satisfactory excuse, the office shall be declared vacant by the Council Executive Board.

10. No person shall be eligible for nomination or election to any office unless such person is:

1. An active member in the Local Union, who has been an active member in the Local Union, or who had been a member of another organization merged with the Local Union, for a continuous aggregate of at least twelve (12) months immediately preceding the month in which nominations are held; or

2. An active member in the Local Union who has been an active member in the International Union continuously for at least twenty-four (24) months immediately preceding the month in which nominations are held.

Any affiliate member satisfying the eligibility requirements of this Section must maintain continuous active membership in the Local Union to remain eligible to run for or hold elected office.

No member may run for more than one office in any election and no member may hold more than one elected office at any one time. The regular employees of the Council shall not constitute more than 50 percent of the membership of the Council Executive Board.

Any member who is a delegate to the convention shall be eligible to vote in the Council elections.

## ARTICLE VI

### Meetings

Section A. The regular membership meetings of the Eastern Provinces Council shall be held at such times, locations, and in such manner as is required in conjunction with the Local Union in the area affected.

Section B. The Chairperson of the meeting shall have the authority to take whatever reasonable measures are necessary to ensure order.

Section C. A special meeting of the membership shall be called whenever requested in writing by 10 percent of the membership, or when directed by the Executive Board or President. Special meetings shall be held as quickly as is practical and reasonably convenient, provided that, where a regular membership meeting is scheduled within a 30-day period of such a membership request, the Council President may defer such requested meeting to the date of the regularly scheduled meeting. Special meetings shall be held in the same manner as the Council holds its regular meetings.

Section D. Informational meetings of a portion of the membership may be held on an occasional or regular basis as may be determined by the Council. Such informational meetings of the Council membership may pass upon recommendations to be referred to the regular meeting or to a special meeting of the membership for its action thereon. Meetings of a portion of the membership may vote upon collective bargaining agreements which affect it as specified under Article 23 of the International Constitution.

Section E. Adequate notice shall be given of the time, place, and/or manner of all meetings not held on a periodic basis at a set time and place, so that all members involved have an opportunity to attend. Adequate notice shall also be given of the purpose of all special meetings.

Section F. Seven members shall constitute a quorum at any membership meeting.

Section G. Regular and special meetings of the Council shall provide members the opportunity to participate.

Section H. Except as expressly provided otherwise in these bylaws or the International Constitution, all matters calling for a vote shall be determined by a majority of the active members present and voting on the question. Whenever a requirement for a majority vote, two-thirds majority vote, plurality vote, or other such vote is set forth in these bylaws, it shall be applied with respect to those present and voting and/or all valid votes cast and counted, as applicable, unless the voting requirement in the applicable provision of these bylaws expressly provides otherwise.

Section I. Except as otherwise provided herein or by the Constitution or laws of the International Union, proceedings shall be conducted in accordance with common parliamentary procedure designed for the conduct of orderly and democratic meetings.

## ARTICLE V I I

### Employees of the Council

#### Union Representatives

A. The Council shall provide sufficient Union Representatives to properly service the needs of the members of the affiliated Locals. Such personnel shall be advised by the President of their duties and responsibilities which will include securing the new members for the Union, obtaining the signatures of employers to agreements, servicing the

membership and keeping in contact with all establishments where the members of the affiliates to this Council are employed; and will endeavor to unionize all establishments within the jurisdiction of the Council.

B. Union Representatives will be required to make full reports of their activities to the Council President and the Council Executive Board meeting, if requested by the President, and shall perform such other duties as may be required.

C. It is understood that no officer of the Council will interfere with the duties and responsibilities of the Union Representatives, and if any misunderstanding or dispute arises pertaining to the duties and responsibilities of the Union Representatives a meeting shall be held with the President of the Council and the Local President in an attempt to resolve the matter. Failing a satisfactory solution the President of the Council will call a full Council Executive Board meeting, if necessary, depending on the urgency of the matter.

D. The Council President, in consultation with the Union Representatives, shall recommend to the Council Executive Board when it is advisable to have the Union Representatives attend conventions or conferences to which Locals are entitled to send representation.

#### Office Personnel

A. The Council President shall ensure sufficiently trained secretarial and bookkeeping personnel are employed to perform necessary work required in the servicing of the Council for its affiliates and Union Representatives.

B. The Council President may from time to time require the services of organizers and assistants on a part time basis and such personnel will be paid on a lost time basis and will be granted such expenses as the Council Executive Board may determine.

### ARTICLE VIII

#### Conventions

The Eastern Provinces Executive Council shall hold a Convention every four (4) years after the first Convention. The call for the Convention of the Eastern Provinces

Council shall be issued ninety (90) days prior to the date set; therefore, credentials shall be furnished to each Local Union. Said Local Unions shall place the name of each delegate and each alternate upon the credential, which must be properly signed. The duplicate credential shall be sent to the Eastern Provinces Council President at least forty five (45) days prior to the date set for convening of the Convention. For every delegate seat(s) there will be an alternate delegate.

### Convention Representation

Every four (4) years, delegates and alternates to the Eastern Provinces Council Convention shall be chosen in accordance with the bylaws from the Local Unions they are to represent, and the number to which each Local Union shall be entitled to as representation at Conventions shall be on the following basis:

One delegate up to and including one hundred (100) members per unit, location or collective bargaining agreement on whose behalf per capita is paid;

One delegate for each additional one hundred and fifty (150) members or a major fraction thereof, on whose behalf per capita is paid to a maximum of five (5) delegates (ex: 250 members = 2 delegates).

The number of delegates to which a Local Union is entitled will be determined by the average paid membership to the Eastern Provinces Council during the twelve (12) months preceding the date the Convention Call is sent;

No voting delegates shall be eligible to be officially seated at the Convention unless their names appear either as delegates, or alternates upon the credentials which have been transmitted to the Eastern Provinces Council President at least forty-five (45) days prior to the Convention date;

Full-time Union Representatives of the Eastern Provinces Council may be delegates to the Convention. Only active members in good standing with a Local Union affiliated with Eastern Provinces Council, on whose behalf per capita has been paid, shall

be eligible to be seated as delegates to the Eastern Provinces Council Conventions providing their Local Union's per capita and assessments to the United Food and Commercial Workers International Union have been paid one month preceding each of the Conventions.

### Resolutions

The Local Unions that present resolutions to the Convention of the Eastern Provinces Council must mail the same, in duplicate, to the office of the President of the Council forty-five (45) calendar days before the opening of the Convention.

Resolutions submitted at a later date will be accepted only by a majority vote of the delegates of the Convention in favor of the resolution.

## ARTICLE IX

### Union Representatives' Positions

1. The Council will, with due diligence, seek and endeavor to hire a Union Representative with experience in all aspects of organizing, agreements, compensation, servicing the membership and any other duties as may be required from time to time.

2. As a condition of assuming the position, a Union Representative must take the same oath as specified in Article XX for Officers of the Council.

3. The President of the Council will consult with the Executive Board and the Local Union Executive Board from the area that requires the Union Representative, if and when replacement or additional staff is needed.

4. Any complaints made by any members of an affiliate pertaining to service by the employees of the Council must be made in writing and given to the President of the Council, or the President's designated representative, for investigation and action, if necessary.

5. Any dispute, that may arise between any employees of the Council, may be referred in writing to the President of the Council, or the President's designated representative, who will refer it to the Executive Board for disposition.

6. Any dispute between the employees of the Council and the Council shall be processed through any existing grievance procedure now in effect by collective agreement or other contract covering such employees, or by any appropriated method for employees not covered by any collective agreement or other contract established by the Council.

## ARTICLE X

### Roll Call Votes

At the request of two-thirds (2/3) or more, by show of hands of delegates present at a Convention, a roll call shall take place and each Local Union shall be entitled to cast its total membership vote as determined by the average previous twelve (12) months of per capita payment received by the Eastern Provinces Council.

When a roll call vote is conducted the Chairperson of each Local Union delegation shall announce the votes of the delegates of the Local Union. The presiding officer may also order a roll call if the presiding officer is in doubt as to the Local Union vote.

The roll call can be exercised on any issue before the Convention including the election of officers during the twelve (12) months preceding the date the Convention Call is sent.

## ARTICLE XI

### Council Board of Trustees

Section A. Three Council Executive Board members shall, by virtue of their offices, constitute the Council Board of Trustees. Two of these shall be the President and the Secretary-Treasurer, and the Council Executive Board shall annually designate one of the other members of the Executive Board to be the third Trustee.

Section B. The Trustees shall be responsible for ensuring that all finances of the Council are managed in accordance with the Constitution and laws of the International Union and these bylaws. The Trustees shall be responsible for ensuring that the funds and property of the Council are properly received and managed for the sole use and benefit of the Council and in accordance with standard accounting practices.

Section C. The signatures of two of the three Trustees shall be required on all checks and other financial documents, and the Trustees shall be responsible for ensuring that all banks and other financial institutions holding funds or property of the Council are so instructed. Two of the three Trustees shall be required to document their approval for electronic transactions.

Section D. The Trustees shall examine the financial records of the Council. The Trustees shall make a quarterly financial report to the International Secretary-Treasurer on forms supplied or approved by the International Secretary-Treasurer and on such schedule as the International Secretary-Treasurer may determine, and they shall also promptly submit a copy of said report to the Council Executive Board. The Trustees shall also file with the International Secretary-Treasurer copies of all audits required by the International Constitution and any annual financial reports required by the federal or provincial government within 30 days of their completion.

Section E. The Trustees shall employ a chartered accountant to assist them in the performance of their duties and to perform a complete audit of the Council not less than once a year, except as otherwise indicated in Article 36(E) of the International Constitution.

Section F. The Trustees shall ensure that Council officers, representatives, and employees are bonded as directed by the International Secretary-Treasurer and in accordance with Article 11(L) of the International Constitution.

Section G. The title to a headquarters building or other real property held by the Council shall be vested by proper conveyance in its own name, if applicable provincial law permits; in the names of the individual members of the Board of Trustees and their



successors in office, to be held in trust for the sole use and benefit of the Council; or in a separate building corporation whose corporate documents have been approved by the International President.

## ARTICLE XII

### Council Funds

The general or special funds or property of this Council shall be used only for such purposes as are specified in these bylaws or the Constitution and laws of the International Union, as may be established by proper resolution of the Council Executive Board, or as may be required to transact and properly conduct the business of this Council.

1. The Council shall pay:

(a) All operating expenses necessary to maintain the premises and to provide required office supplies and equipment to maintain efficient and adequate service for its affiliates and their members.

(b) Approved salaries, approved equipment, approved benefits and approved expenses of their employees.

(c) Approved lost time and necessary expenses of the Executive Board or any delegate of the Council when conducting approved business authorized by the Council.

(d) Honoraria as determined by the Executive Board from time to time for special consideration of services rendered.

(e) The amount paid for attending authorized Council business will be as set by the Council Executive Board.

## ARTICLE XIII

### Executive Board Meetings

The Executive Board of the Council shall meet once every three (3) months or as required at the call of the President to review and discuss the activities and reports of

the Union Representatives and other matters pertinent to the affairs of the Council. A majority of its members shall constitute a quorum for Executive Board meetings.

#### ARTICLE XIV

##### Agreements, Bylaws and Constitution

Every member, upon request, shall be given a copy of the collective bargaining contract executed between the Council and the member's employer, a copy of these bylaws, and/or a copy of the International Constitution.

Section A. Proposals to adopt or amend these bylaws shall (1) be signed and submitted to the Executive Board by 20 percent of the membership, provided that, if the Local Union's membership is greater than 2,000, the signatures of 10 percent of the membership or 400 members, whichever is greater, shall be required, or (2) be proposed by the Executive Board. The Executive Board shall make a recommendation on amendments submitted to it not later than ninety (90) days after they are submitted. Notice of such amendment, containing the Executive Board's recommendation thereon and the date, time and location of the membership meeting(s) at which the amendment will be voted upon shall be mailed to each member at least fifteen (15) days prior to such meeting(s). The text of the amendment and the Executive Board's recommendation shall be read or distributed to the membership at such meeting prior to voting at Convention.

Section B. Amendments shall be adopted by a two-thirds majority vote of active members voting. At the discretion of the Council Executive Board, the vote may be conducted by mail referendum in accordance with the applicable provisions of these bylaws, provided that the Council shall mail affiliates their ballots and the proposed amendment at least fifteen (15) days prior to the receipt deadline for return of the ballots and that the Council shall hold an informational meeting for discussion of the proposed amendment.

ARTICLE X V  
Election of Officers and Council Members

Section A. All officers shall be elected by secret ballot by their respective affiliates, and their term of office shall be for four (4) years, commencing in 2021. Terms of office shall expire in 2025.

a. The nominations and elections of the President, Secretary-Treasurer, Recorder and Executive Vice President, shall take place on the morning of the day before the last day of the Convention.

b. The nominations and elections of Vice Presidents for each Province and Region shall be determined at a caucus meeting of the delegates from each Province. This caucus meeting shall take place at noon upon adjournment of the day before the last day of the Convention.

c. The elections of Vice Presidents shall then be reported to the Convention in the afternoon of the day before the last day of the Convention.

If there is more than one candidate for each of the Vice Presidents' positions, the vote in the caucus shall be determined as per Article X of the bylaws.

In the event of a tie vote among the delegates of a Local Union, if there are three or more candidates for a position, each of the additional candidates shall receive an equal proportion of the membership equally divided.

A fraction of a vote shall be acceptable. This voting procedure shall only apply in the event of a tie vote for election purposes.

d. The nominations and elections of the President, Secretary-Treasurer, Recorder and Executive Vice President, elected at large, shall be made from the Convention floor. In the event that there is more than one candidate for each of the above four positions, the elections, if any, shall be by a roll-call vote as per Article X of the bylaws.

Any active member in good standing within the jurisdiction of the Council shall be eligible to hold office.

e. The term of office of all elected Council shall be the period between Conventions, commencing immediately following the Convention.

f. A plurality of votes cast shall be required for election except as to the offices of President and Secretary-Treasurer, where a majority of votes cast shall be required for election. Where the election for an office other than President or Secretary-Treasurer results in a tie or where no nominee for President or Secretary-Treasurer receives a majority of votes cast, a runoff election between the two nominees with the higher number of votes shall be conducted.

g. When nominations have been completed and there are unopposed candidates, such unopposed candidates shall be deemed elected by acclamation.

h. Where vacancies occur in any of the elected offices of the Council, the Council Executive Board, not later than ninety (90) days after the vacancy occurs, shall fill the vacancy for the balance of the term. However, a vacancy in the office of President shall be filled no earlier than thirty (30) days nor later than ninety (90) days after the vacancy occurs.

i. Formal installation of the newly elected officers shall be made at the Convention; provided, however, that no officer shall be deemed to be in office unless bonded where required by the Constitution and laws of the International Union.

j. The ballots and all records pertaining to the nominations and elections, including the membership mailing lists which were used to send the notices of the nominations and elections, shall be preserved for not less than one year by the President.

k. A copy of the results of the election shall be immediately mailed to the International President.

ARTICLE X V I  
Duties and Obligations

Section A. All members shall be subject to the bylaws of this Local Union and the Constitution and laws of the International Union.

Section B. Every affiliate agrees, in consideration of the rights and benefits conferred pursuant to the terms of these bylaws and the International Constitution, to comply with the duties and obligations stated in this Article and that termination of membership does not terminate liability for violations of such duties and obligations occurring during the period of membership.

Section C. No member may be disciplined, except for violating the member's duties and obligations by committing any one or more of the following offenses:

1. Violating any provisions of the Constitution or laws of the International Union or the approved bylaws or established rules of this Council;
2. Advocating or attempting to bring about the withdrawal from the International Union of any Local Union or affiliate or group of members, and/or working in the interest of or accepting membership in any organization dual to the International Union;
3. Deliberately and improperly interfering with any officer or representative of the International Union or any Council in the discharge of the officer's or representative's duties, or with the performance of the legal or contractual rights or obligations of the International Union or any of its Local Unions;
4. Deliberately engaging in conduct in violation of the responsibility of members toward the Union as an institution;
5. Crossing or working behind a legal picket line established by a United Food and Commercial Workers Local Union or Council and sanctioned by the United Food and Commercial Workers International Union, or crossing or working behind a legal picket line established by a union other than the United Food and Commercial Workers International Union, provided such picket line of another union has the sanction of the Executive Board of the United Food and Commercial Workers Local Union or Council in whose jurisdiction it

is established and, provided further, the United Food and Commercial Workers Local Union or Council has notified its membership of such sanction of the other union's picket line.

6. In the case of any officer or representative of the International Union or of any Local Union or Council, failing to faithfully perform the duties of their office or position, accepting dual compensation or expenses for the performance of duties related to their office or position, or embezzling, misappropriating, fraudulently receiving, wrongfully handling, or failing to account for the funds of the International, a Local Union, Council or any employee benefit fund.

7. Furnishing a complete or partial list of the membership of the International Union or of any Local Union or Council to any person other than those whose governmental position or International Union or Local Union office or employee benefit fund position entitles them to have a list, without specific authorization in writing from the International President.

Section D. Any member convicted of any one or more of the above offenses may be disciplined.

Section E. 1. Members shall resolve any dispute relating to the interpretation or application of the Council Bylaws or rules or the Constitution or laws of the International Union exclusively through the remedial provisions provided therein. Resolution of any such dispute pursuant to such procedure shall be final and binding.

2. No member shall institute an action outside the Union against the International Union, Local Union, Council, or any of their officers or representatives without first exhausting all remedies provided by the Local Union bylaws and rules and the Constitution and laws of the International Union.

## ARTICLE XVII

### Appeals of Affiliates from Council's

#### Disposition of Grievances

Section A. The Council shall have the exclusive authority to interpret and enforce the collective bargaining contract. In accordance therewith, the Council shall have the exclusive authority to submit grievances to arbitration, withdraw grievances, settle and compromise grievances, and decline to invoke the grievance procedures of the collective bargaining contract. The President, after consultation with the Local Union President, or the President's designated representative, shall make the decision as to whether a grievance is to be submitted to arbitration.

Section B. Any member who disagrees with the disposition of their grievance by the Council President, or the President's designated representative, shall have the right to appeal the decision to the Council Executive Board. The appeal shall be submitted, in writing, to the office of the Council and shall contain a simple statement of the nature of the grievance and any other matter the member wishes to bring to the attention of the Executive Board. All such appeals may be discussed and reviewed in full with the Local Union Executive Board prior to a decision being rendered by the Council Executive Board.

Section C. The member shall submit the appeal within fifteen (15) days from the date the member is first advised of the Council's disposition of the member's grievance.

Section D. The Council Executive Board shall consider the appeal at the next regular meeting of the Executive Board. The Executive Board shall treat the appeal as either a request for a review or a request for reconsideration.

Section E. The Executive Board shall advise the member of its decision within thirty (30) days from the date of its meeting. There shall be no further appeal from the decision of the Executive Board.

Section F. Any member who does not appeal the Council's disposition of the member's grievance as provided above shall be deemed to have acquiesced in said disposition.

## ARTICLE XVIII

### Rules of Order

This Council shall be governed by either Robert's or Bourinot's Rules of Order except that, when a motion to table is made, the motion shall not be put until the introducer of the original motion and the maker of the motion have been given an opportunity to speak on the questions.

## ARTICLE XIX

### Order of Business

#### AT COMMITTEE MEETINGS AND EXECUTIVE MEETINGS

1. Call to Order
2. Agenda
3. Previous Minutes
4. Business Arising
5. Financial Statements
6. Correspondence
7. Report of Business Agents
8. Report of Locals
9. Report of Committees
10. New Business
11. Good & Welfare
12. Adjournment



## ARTICLE X X

### Oath

As a condition of assuming office, upon installation each member of the Executive Board and Union Representatives shall repeat the following obligation:

I, (officer's name), do solemnly and sincerely pledge, on my word of honor, before the members and other witnesses here assembled, to faithfully perform and diligently execute, to the best of my ability, the duties and responsibilities of the office to which I have been elected as prescribed by the Council Bylaws and the International Constitution. I pledge, that I will, to the best of my ability protect and promote the democratic institutions and processes, human rights and liberties, and the highest traditions of social and economic justice for our members in Canada.

I pledge to deliver to my successor in office all books, papers, and other property of the International and Council that may be in my possession or under my control at the close of my official term.

Further, I pledge at all times to bear true and faithful allegiance to the International and this Council and to uphold and support its Constitution and Council bylaws, as becomes a member and officer of this Union.

## ARTICLE X X I

### Disciplinary Proceedings

Section A. 1. A member shall be charged and tried in the Council if the person is a member of the Council at the time the charges are filed, except as otherwise provided in the International Constitution. Any person no longer a member may be charged and tried in the Council if the actions were committed while such person was a member of the Council.

2. Charges may be filed by an active member of the Council, or by a representative of the International Union.

3. More than one charging party may join in the same set of charges, but the charges must name one of the charging parties as the representative of the others to be responsible for filing papers, receiving papers, and trying the case. Where the charges fail to designate such representative, then the first charging member named in the charge shall be considered the representative of the others.

4. Charges and other formal documents referred to in this Article sent by mail or submitted in another generally accepted manner other than in person shall be considered filed as of the date of the postmark or other indicia of transmission. Charges and other formal documents delivered in person shall be considered filed as of the date of delivery.

5. Charges shall be filed with the Council Executive Board within six (6) months after the basis for the alleged violation has been discovered or should have been discovered.

6. The charges shall specify the Article or Articles of the International Constitution or laws or the Council bylaws or rules allegedly violated and shall also set forth a short and plain factual statement of the act or acts considered to be in violation, including available information as to dates and places, in such a manner and sufficient detail as to fairly inform the accused of the specific acts which are alleged to constitute violations of the International Constitution or laws or the Council bylaws or rules. Either upon motion by the charged parties or the Council Executive Board, charges failing to comply with this requirement shall be dismissed by the Council Executive Board, without prejudice to the refiling of charges within ten (10) days which do comply with this requirement. Dismissal of refiled charges shall constitute final action, subject to appeal as provided in Article 26(C) of the International Constitution.

7. A true and correct copy of the charges and a copy of the International Constitution and Council bylaws shall, without delay, be served upon the accused party by the Council Executive Board by certified mail, return receipt requested, in person, or in accordance with procedures established by the International President. The accused shall be afforded a reasonable opportunity to reply in writing to the charges, if the accused so desires.

8. On motion of the accused before trial, or upon its own motion, the Council Executive Board may dismiss without trial any charges which, after assuming the charging party's facts are true, fail to allege actions which would constitute violations of the International Constitution or laws or the Council bylaws or rules. Such dismissal shall be subject to appeal as provided in Article 26(C) of the International Constitution.

9. On motion of the accused before trial, or upon its own motion, the Council Executive Board may dismiss without trial any charges it finds are of such a nature that the interest of the Council does not justify the expenditure of time, money, and other resources necessary for the conduct of a disciplinary proceeding or where it finds that the undisputed material facts warrant dismissal of the charges. Such dismissal shall be subject to appeal as provided in Article 26(C) of the International Constitution.

10. Except for charges processed pursuant to Article 26(A)16 of the International Constitution, the trial on the charges shall be held as soon as practicable, but no later than sixty (60) days following the date on which the charges are filed. However, upon request of either party, for good cause shown, an adjournment to a later date, not to exceed 100 days from the date the charges are filed, may be granted by the Council Executive Board. The Council Executive Board shall have the power, upon its own motion, to postpone any scheduled trial, provided such postponement shall not be beyond 100 days from the date charges are filed. Any such Executive Board decision to postpone the trial beyond the scheduled date or to set a trial for sixty (60) days beyond the date of the charges being filed must be served upon all parties immediately. Every effort shall be made to schedule the trial so that it does not conflict with the working schedule of the parties, and at least 14 days' notice of the trial date shall be given in writing. The written notice to the charging and accused parties shall state that the parties have the right to have other members of the Council attend the trial, subject to reasonable accommodations of space. Any request for the postponement of the trial date must be received by the Executive Board at least three days before the scheduled trial date, unless a satisfactory showing is made of inability to comply with this requirement. The request must include good cause for such a postponement. In the event the accused fails to appear for a duly noticed trial, it shall nevertheless proceed.

11. The trial shall take place before the Council Executive Board, which for purposes of this Article shall mean those members of the Council Executive Board serving for purposes of trial. The President of the Council shall be the chairperson of the Executive Board for purposes of the trial proceeding. No charging party or accused member or a witness may serve on the Executive Board in the conduct of disciplinary proceedings. Where the chairperson is unable to serve for any reason, the remaining members of the Council Executive Board shall designate one of their number to act as chairperson. On motion filed with the Council Executive Board, prior to trial, either party may ask that a particular Board member be excused from participating in the proceeding if the party thinks that they cannot receive a fair trial before that board member. The Executive Board shall give precedence to consideration of such motion. For purposes of trial, a quorum of the Executive Board shall consist of three of its members and a quorum is necessary throughout the trial. If an Executive Board member is absent during any portion of the trial, the Executive Board member may not participate further in the proceeding. All questions of order, procedure, and admissibility of evidence shall be decided by the chairperson, subject to being overruled by a majority vote of the Board upon motion by a member of the Board.

12. The accused and charging parties shall have a fair and impartial trial and shall have the right to present witnesses and other evidence in their behalf and to examine any witnesses. The accused shall have the right to refuse to testify. A charging or accused member may be assisted, advised, or represented by another member of the Council. At the commencement of the trial, the chairperson of the Board shall advise the parties of their rights as set forth above in this Article, and shall read the charges to the accused. The accused shall then plead guilty or not guilty to each charge. In the event the accused elects not to appear or to respond, the accused shall be deemed to have entered a plea of not guilty and the trial shall proceed. Throughout the trial, there shall be a presumption of innocence in favor of the accused. The charging party shall present his or her case first and shall have the burden of proving the allegations contained in the charges. At the close of the charging party's case, either the accused or a member of the Executive Board shall have the right to move to dismiss the charges because the charging party has failed to present record evidence that establishes a violation of the International Constitution or laws or the Council bylaws or rules.

13. A detailed written record of the trial proceedings shall be made and preserved and shall constitute the trial record, provided that no fine, nor loss of membership rights or Council office, shall be imposed unless a stenographic record and transcript are kept of the trial proceedings.

14. Upon the completion of the trial proceedings, the Executive Board shall, within forty-five (45) days, determine the innocence or guilt of the accused, based solely on the record evidence. The parties shall be advised of the decision in person, by certified mail, or in accordance with procedures established by the International President. A verdict of guilty shall require a two-thirds majority vote of the Executive Board. If the decision is that of guilty, the Executive Board shall affix appropriate penalties, provided that such discipline shall be reasonable and fair, and, provided further, that no discipline shall be imposed without stating with specificity what the discipline is being imposed for. If a trial is conducted on charges filed against a Union officer or representative, the procedures of this Article and, in addition, Article 26(A)14 of the International Constitution shall apply.

15. The decision of the Executive Board shall become immediately operative unless stayed by the Council Executive Board or unless a stay is directed by the International President following an appeal as set forth in Article 26(C) of the International Constitution.

Section B. 1. Appeals may be filed with the International President, and, subsequently, the International Executive Board, as set forth in Article 26(C) of the International Constitution. A notice of appeal to the International President shall be filed no later than fifteen (15) days from the date the adverse ruling is delivered to the appealing party; however, the International President, for good cause shown, may extend the time within which a notice of appeal may be filed. Such notice of appeal must briefly state why the party believes the Council Executive Board's decision should be reversed.

2. Either party may appeal from the decision of the International President to the International Executive Board by filing a notice of appeal with the International Secretary-Treasurer within thirty (30) days of the date the International President's decision has been sent. Such notice of appeal must briefly state why the party believes the International President's decision should be reversed, and it may also contain a more complete statement setting out wherein said decision is erroneous.

## ARTICLE X X I I

### Approval, Application and Separability of Bylaws

Section A. These bylaws and any subsequent amendments thereto which are properly adopted by the membership or are required by the International Constitution must be filed with and approved by the International President to be effective.

Section B. The Constitution of the International Union, and the laws of the International Union which shall be made in pursuance thereof, shall be the supreme law of the International Union. The International Union, subordinate bodies, and all members shall be bound thereby; nothing in the bylaws or rules of any subordinate body to the contrary shall be an exception. Nothing in these bylaws shall be interpreted or applied in any manner which is inconsistent with the Constitution or laws of the International Union.

Section C. If any provision of these bylaws shall be held invalid, the remainder of these bylaws shall not be affected.

A P P R O V E D

By Anthony M. Perrone  
International President, U.F.C.W.I.U.

This 19<sup>th</sup> day of September, 2023.