



## Constitution

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## **PREAMBLE**

1. We form Unifor at a time that is both troubling and critical; a time when the power of corporations and bankers has no limits; when progress has been replaced by a relentless race to the bottom.
2. We form Unifor at a time when our economy is being hollowed, our democracy eroded and when governments have abandoned social progress in the name of austerity.
3. We form Unifor at a time when too many workers are struggling to hang on to the hard-won gains of the past, when the aspirations of too many young people have been battered; when the future for too many of our neighbours is one of growing insecurity and declining quality of life.
4. We form Unifor at a time when the wealth we create is captured by a small and over-privileged elite; when our jobs are outsourced and threatened; when work has become precarious and when our rights and well-being at work are in jeopardy.
5. We form Unifor at a time when our world is rocked by social upheaval and our very planet is threatened by environment degradation and climate change.
6. We form Unifor as an act of hope that good jobs and economic progress will still be won: that our workplaces will become safer, our jobs more secure, our wages and benefits more rewarding and our lives at work defined by dignity and respect.
7. We form Unifor in the determination that equality and social justice will be achieved, that our young will have a brighter future and that through our actions, our world will be made a different and better place.
8. We form Unifor in the commitment to fight for all of that, and more. And we form our union in the determination to succeed.
9. It is through Unifor that we come together and become more than employees. It is through our union that we find our strength and build our power. It is through Unifor that we express our common goals, support each other, and develop lasting bonds of friendship and solidarity. It is through Unifor that we protect and advance our interests and build our capacity to act for ourselves and with others.

## **ARTICLE 1: NAME**

1. This organization is Unifor. In this document it is also called the National Union.<sup>1</sup>
2. Unifor represents its members who have joined together to enhance their strength and collectively improve their workplaces and communities through collective bargaining and political action. Unifor strives to represent all workers in Canada, and those persons who wish to support, and adhere to the objectives, principles and terms of this Constitution.
3. This document is the Constitution of Unifor and every Local Union and subordinate body of Unifor.
4. This Constitution is the highest authority governing Unifor, its Local Unions, subordinate bodies, members elected or appointed to any office in the Union, and the membership generally.
5. Delegates at a Convention or Special Convention may amend this Constitution by a two thirds vote cast on a per capita basis.

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<sup>1</sup> In this Constitution, when the “CAW-Canada” is referenced it means the National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada); and where the CEP is referenced it means the “Communications, Energy and Paperworkers Union of Canada”. Further when the term “Union” is used, it is intended to mean the National Union, Local Unions, Community Chapters and Retiree Chapters collectively.

## **ARTICLE 2: STATEMENT OF PRINCIPLES**

### **Democratic**

1. Unifor is a voluntary organization that belongs to its members. It is controlled by members and driven by members. Its role is to serve their collective interests in the workplace and in our communities. The life of Unifor is shaped by the essential ingredient of democratic participation. Democratic values are the foundation of all that we do. Our commitment to the principles and practices of democratic unionism define who we are and are reflected in our rules, structures and processes.

### **United**

2. Unity is the process of transforming individual aspirations into collective interests and action. It is based on equality. It is forged in diversity. It is strengthened by solidarity. As we overcome the divides of geography, the barriers of separate workplaces and occupations, and the differences of race and gender, age and background, we build a unified working class organization.

### **Open and inclusive**

3. An engaged membership is critical to Unifor's success. Engagement happens when ideas are welcome, involvement is encouraged and when the union actively develops the skills and understanding of its members. In our efforts to be inclusive, we open the union to new members and a broader definition of membership, and we ensure that our union reflects the diversity of our membership and communities.

### **Solidarity**

4. Unifor is more than an aggregate of individual members. The union is shaped by our relationships, by how we treat and care for each other. Our commitment to solidarity speaks to the significance of the language of "union sister" and "union brother". It is evident in the day-to-day bonds of fellowship and friendship, it is found in the expressions of respect and mutual support, and it is witnessed in the acts of cooperation and interdependence, and by our commitment to anti-harassment.
5. Solidarity is how we pay tribute to the fact that an injury to one is an injury to all. It is how we acknowledge that what we want for ourselves, we want for others. And it is how we demonstrate our resolve and determination to make it so.

### **Accountable and Transparent**

6. Unifor is committed to good governance, fair representation and clear rules and practices. The principle of accountability will be apparent in all our decision making and actions. And the practice of transparency will be evident in our procedures. Our reporting, financial and otherwise, will be timely and reliable and our decision making will be clear and relevant.

### **Effective**

7. Unifor will react quickly, respond effectively, set decisively and maintain a clear focus on our objectives. This requires the development of skilled, competent and capable leaders and staff. It further requires sufficient resources (people and money) effectively used.

### **Dynamic**

8. We are building an organization that is innovative, always reviewing, evolving and improving. For Unifor, change is a constant. We are committed to learn from our efforts, modify our practices, and adopt new ways of conducting our activities.

### **Militant**

9. Our goal is an organization capable of vigorously defending ourselves, protecting and advancing our interest and fighting for all workers.

### **Progressive**

10. Our goal is transformative. To reassert common interest over private interest. Our goal is to change our workplaces and our world. Our vision is compelling. It is to fundamentally change the economy, with equality and social justice, restore and strengthen our democracy and achieve an environmentally sustainable future. This is the basis of social unionism – a strong and progressive union culture and a commitment to work in common cause with other progressives in Canada and around the world.

### **Gender and Equity**

11. Unifor is fully committed to equity and inclusion. Women, Racialized and Aboriginal Workers, Lesbian, Gay, Bisexual and Transgendered Workers, Young Workers, Workers with Disabilities and other Equity seeking groups, will be represented in the structures of the union at all levels. In certain articles the constitution provides specific provisions which detail how women and equity groups participate in the leadership structures of the union. Elsewhere the commitment is expressed as a more general one. Where the commitment is a general one it requires those with the necessary authority and responsibility to address the issue. When By-Laws of all bodies in the unions are submitted to the National Executive Board for approval they will be viewed through this gender and equity lens.

### **Union Renewal and Generational Change**

12. The strength and dynamism of Unifor, at all levels, is based on union renewal. How the structures and practices of the union evolve over time; how the union is open to

and receives new ideas, and how the union renews its leadership by making space for the next generation.

Generational change is essential for union renewal. As such it is the expectation and desire of the union that all national officers, regional directors, local union officers and staff voluntarily retire from their position at age 65 or before.

## **Leadership**

13. The responsibility of leadership is to build the strategic determinants of union strength – membership levels, bargaining power, mobilizing capacity, political influence – and to guide and shape the union with a compelling vision. The role of leadership is to inspire and motivate and to ensure that we achieve all of the above, as well as the following objectives.

## **ARTICLE 3: OBJECTIVES**

The objectives of Unifor are:

### **In our workplaces**

- To promote, conduct and safeguard collective bargaining and to strengthen practices of more broadly based bargaining, including coordinated and pattern bargaining.
- To regulate and improve wages, pensions and benefits, hours of work, employment security and working conditions through collective bargaining and political action.
- To protect and strengthen our rights at work.
- To strive for a safe and healthy work environment.
- To ensure fair treatment, dignity and respect at work.
- To make workplaces more democratic.
- To organize the unorganized.
- To strive for a safe workplace free of discrimination and harassment.

### **For our members**

- To ensure equality regardless of race, sex, age, creed, colour, marital status, sexual orientation, gender identity, disability, religion, political affiliation or place of origin.
- To guarantee that every member receives equal treatment under this Constitution.
- To create and preserve a safe environment free of discrimination and harassment.
- To ensure that our union is committed to the principles and practices of democratic unionism.
- To guarantee accountability and transparency in our decision making and our actions.
- To ensure that our union belongs to its members, is driven by their common objectives and provides ample opportunities for democratic participation.
- To ensure that our union reflects the diversity of our members and communities.
- To provide opportunities for education and development so that our members build awareness and analysis, get more involved in the union and their communities.
- To provide opportunities for workers not in regular employment situations to join our union.

### **In our communities**

- To fight for good jobs in our communities and throughout the economy.
- To provide support to those in need.



- To build our union's presence in the community and encourage our members to be involved in all aspects of community life.
- To work in common cause with other progressives to promote social justice and environmental sustainability at a community level.
- To work on labour-based campaigns with other affiliates of Labour Councils.
- To encourage unorganized workers to join our union and be open to new members in our communities.

### **In broader society**

- To safeguard, protect and extend freedom, civil liberties, democracy and democratic trade unionism.
- To be broadly politically active at the municipal, provincial and federal levels and to mount issue-based campaigns.
- To fight for social and economic reform by giving priority to good jobs, equality and social justice.
- To protect and safeguard the health and safety of the planet by supporting the goal of an environmentally sustainable future.
- To build and unify the labour movement and to act in solidarity with other labour organizations in Canada and throughout the world with objectives similar to ours.
- To support and work in common cause with progressive organizations in Canada and around the world.
- To resist corporate globalization and provide alternatives to job-destroying trade deals and policies.
- To work to end war and contribute to world peace.

## **ARTICLE 4: CODE OF ETHICS AND DEMOCRATIC PRACTICES**

### **Democratic Practices**

1. Unifor, its Officers, Directors, Staff and members shall be bound by the highest possible standards of ethics, democratic practice and personal conduct.
2. Democratic practices require the regular convening of meetings and bodies where members can participate freely and openly. All decisions affecting the welfare of members, their collective agreements and other terms and conditions of employment should be made through the bodies set out in the constitution in a manner allowing the fullest possible participation of members.
3. The democratic standards of the union proceed from the rights of members as set out in the constitution – including the right to participate in the governance and debates of the union, the right to free speech and the right to participate in a democratic environment free of harassment.
4. Personal conduct in the union is a matter of democratic practice that shall be subject to an anti-harassment and anti-discrimination policy.
5. In all of the proceedings of the union, the constitution and all By-Laws, rules or procedures will be applied consistently, reasonably and with fairness and all members shall be protected by due process and the principles of natural justice.
6. The Office of the President, the National Executive Board, any appeal body and the Public Review Board established by this constitution shall be guided by the constitution and this Code of Ethics.

### **Safeguards of Democratic Practice**

7. Democratic practice also requires that standards of accountability and safeguards are upheld at all levels of the union, from the National Executive Board to Local Unions and workplace committees. No corruption, discrimination or anti-democratic behaviour can be permitted.
8. No Officer, Staff, member or person mandated by the union with the responsibility to inquire, audit or otherwise safeguard the ethics or integrity of the union shall be impeded or constrained in their responsibilities. No violation of this Code shall be covered up from an appropriate investigation.
9. This Code of Ethics applies to all union activities and relationships, including participation in pension plans, health and welfare plans, insurance plans, and private or public bodies to which a union officer or representative may be appointed.

### **Conflict of Interest**

10. The affairs of the union shall not be conducted in any manner which results in personal profit or advantage to any Officer, member of an Executive Board, bargaining committee or representative of the union, whether elected or appointed.
11. Any Officer or Representative of the membership has the responsibility to disclose significant personal interests that they may have with regard to a decision they are called upon to participate in or make. This may include personal relationships, expectation of profit, ownership or investments in a company, personal gifts, offers of employment or other personal gain. It is the responsibility of the Officer or Representative to disclose information related to a potential conflict, which may result in the exclusion of that person from debate and voting or other participation concerning the conflict. Conflict of interest does not include the benefits of collective bargaining that are received by members of a bargaining unit or benefits to union members generally as a result of the democratic decisions or activities of this union.

### **Financial Practices**

12. The financial practices of the union shall at all times meet the highest available standard of accounting, investment, procurement and reporting. It is the responsibility of the Secretary Treasurer and the National Executive Board to ensure that all local unions, subordinate bodies and representatives of the union are informed of these standards and have opportunities for appropriate training.
13. The National Executive Board, local unions and subordinate bodies shall have clear policies governing the expenditure of funds by named Officers or Representatives, including accounting and oversight for personal expenses.
14. Procurements of the union generally shall require competitive bids and due diligence by the appropriate authorizing body.
15. The National Union, local unions or subordinate bodies shall not loan money to any member, Officer or Representative. This does not include advances or assistance which may be deemed appropriate to carry out the activities of the union.

### **National Officers, Regional Directors and Employees of the National Union**

16. A National Officer or Regional Director shall have no other employment. They shall accept no other income for carrying out the duties of their office. This does not include compensation for personal expenses or reasonable per diems, nor does it preclude income and benefits from personal endeavours or achievements such as awards and prizes, royalties or personal investments.
17. Staff of the National Union shall not accept any other income for carrying out their duties or for participating in boards and public bodies as a representative of the union. This includes honorariums, retainers or stipends or major gifts, but does not include compensation for personal expenses or reasonable per diems.

### **Local Union and Subordinate Body Officers and Representatives**

18. An officer or an elected or appointed representative to a bargaining committee, workplace committee, national union committee or body, community board or serving in any other capacity on behalf of the local union shall disclose to the membership any compensation received from the union, an employer or any third party for the carrying out of their duties or assignments. This does not include compensation for personal expenses or reasonable per diems.

### **Enforcement of the Code of Ethics**

19. The ethical and democratic practices in this Code must be well understood and enforced by the union at all levels. Even the appearance of any violation of these standards can be the basis for investigation and action under the constitution.
20. If it is believed that a violation of this Code of Ethics has taken place or is taking place, a signed letter of complaint may be sent to the President with specific allegations describing how the Code of Ethics has been violated. This practice may be used when the person making the complaint does not wish to make a charge under this Constitution, or the circumstances of the matter give rise to concerns with respect to confidentiality.
21. The President shall deal promptly with any complaint alleging a violation of the Code of Ethics. Unless the complaint constitutes a charge under the constitution, the President shall investigate the matter in a confidential manner that respects the rights of all parties taking into account the principles of natural justice.
22. If the complaint is deemed by the President to be an acceptable charge as per Article 18 Section C the matter shall be considered a violation of the constitution subject to the procedures and appeals in Article 18.

## **ARTICLE 5: MEMBERSHIP**

In this Article, the term “Local Union” includes any subordinate body of the National Union.

An informed and active membership is the foundation of a democratic and dynamic trade union.

Unifor’s foremost priority is to advance the interests of its current members and to assist prospective members to organize new bargaining units. In addition, the union will open its membership to a broader range of working people including those who cannot feasibly organize a bargaining unit.

### **A: RIGHTS AND RESPONSIBILITY OF MEMBERS**

1. Members are entitled to share equally in governing Unifor. Subject to the distinctions and rules set out in this Constitution, each member in good standing has the right to run for office, to nominate and vote in free and fair elections.
2. Members have the right to fully participate in the democratic debate and decisions of the appropriate body or structure of which they are a member or a delegate. All members have right to free speech including the right to criticize the policies or governance of the Union.
3. Members have the right to participate in the union free of harassment and the National Union shall have an effective anti-harassment policy.
4. Members have the right to fair and reasonable consideration of their individual interests and concerns when collective decisions are made. Members have the right to a review of any decision which they believe adversely affects them, as set out in this Constitution.
5. Members shall uphold the democratic decisions and rules of the Union, pay dues and fulfill obligations in this Constitution, and respect the provisions of their freely negotiated collective agreements.
6. Members shall support the solidarity and the collective actions of the Union in collective bargaining, and in its efforts to protect the jobs of members.
7. Any member who is elected or appointed to represent other members or participate in the administration or governance of the Union shall defend the Constitution and organizational integrity of the Union.

## **B. ELIGIBILITY**

### **At the Founding Convention**

8. All CAW-Canada and CEP delegates, designated staff, and honorary delegates in attendance at the Founding Convention of Unifor who support the principles and objectives of this Constitution and who undertake to adhere to this Constitution may become a member of this Union. Membership shall begin with the completion of a membership card, declaring support of and adherence to the Constitution of this Union, without the necessity of any payment or further action. All members, save designated staff, and honorary delegates, shall vote with respect to the adoption of this Constitution, the election of the National Executive Board, and all other business properly before the Founding Convention, for which a vote is mandated. Honorary delegates and designated staff shall have voice, but no vote at the Founding Convention.

### **After the Founding Convention**

9. Upon ratification of the mergers of the CAW-Canada and CEP with Unifor, all members of the CAW-Canada and CEP shall become members of Unifor, in the same membership status and standing as they enjoyed in their respective predecessor unions, and shall be entitled to all rights, privileges, and benefits afforded by this Constitution, without payment of any initiation or membership fee or further action.

### **Persons in Bargaining Units**

10. All other persons who are employees in organized workplaces over which Unifor and/or a Local Union of Unifor has collective bargaining authority may become members of the National Union and applicable Local Union upon signing a membership card declaring support of and adherence to the Constitution of the National Union and the payment of dues. Membership shall be withheld only upon proper and just cause. An employee who has been denied membership by a Local Union shall have the right to appeal this decision to the membership of that Local Union.

### **Membership Acquired During an Organizing Drive**

11. In the course of an organizing drive, persons working in an unorganized workplace, or in a workplace not yet under the collective bargaining authority of the National Union or a Local Union, may become members of the National Union and/or a Local Union, by signing a membership card declaring support of and adherence to the Constitution of the National Union. A person joining the National Union and/or a Local Union shall pay the minimum initiation fee required by law in the jurisdiction of their workplace, if any.

### **Members in Community Chapters**

12. In addition, the persons listed below may become members of Unifor and applicable Local Union by joining a Community Chapter established by the National Executive Board. Membership shall commence upon completion of a membership card declaring support of and adherence to the Constitution of the National Union and the payment of applicable dues.

- Persons employed in a workplace where the National Union or a Local Union attempted and failed to obtain collective bargaining authority.
- Persons who have lost employment in a workplace over which the CAW-Canada or the CEP previously had collective bargaining authority or a workplace over which the National Union and/or a Local Union has or had collective bargaining authority and lost that authority for any reason, including closure.
- Persons who have ceased active employment, with no reasonable prospect of a return to work, in an organized workplace over which the National Union or Local Union has collective bargaining authority.
- Unemployed persons.
- Persons who are self-employed or in freelance positions.
- Persons engaged in temporary or contract work.
- Persons employed in unorganized workplaces.
- Students.

### **Members in Retiree Chapters**

13. A member who retires is entitled to retired membership status according to the terms of Article 12 of this Constitution.

### **Eligibility Restrictions**

14. A person who is employed in the ranks of supervision or above, with managerial authority, as defined by labour relations law, is not eligible for membership, unless he/she is approved for membership by the National Executive Board.

### **Concurrent Membership**

15. A member of the National Union shall also be a member of a Local Union, Community or Retiree Chapter, or other subordinate body. A member of a Local Union, Community or Retiree Chapter or other subordinate body shall also be a member of the National Union and subject to its rulings, and decisions.

### **Membership Cards and Lists**

16. The National Union shall supply membership cards which it and all Local Unions and subordinate bodies shall use for the purposes of this Article.
17. The National Union shall maintain a membership list of all members, and all Local Unions shall cooperate in this effort.
18. The National Union shall keep all completed original membership cards that it receives. All completed original membership cards received by a Local Union shall be forwarded to the National Union after the Local Union makes a copy of same for its records. The National Union shall deliver a copy of the completed membership cards it receives to the appropriate Local Union.

### **Member in Good Standing: Leave – Layoff – Closure**

19. A member remains in good standing without paying dues for the period of a layoff or leave only for as long as he or she has recall rights as provided for in his/her collective agreement.
20. Any member who has severed employment as a result of a workplace closure shall be deemed to no longer be a member.
21. Members who have recall rights and work elsewhere are required to pay union dues to their Local Union to remain in good standing.
22. The only exception to the above shall be if a member is a full-time Officer of the Local Union and pays dues to the Local Union, he/she shall be considered a member in good standing, as long as he/she remains a full-time Officer of the Local Union.
23. Any member absent from work because of illness or injury remains in good standing for the period of illness or injury as long as he/she has a reasonable prospect of a return to work.

### **Termination of Membership**

24. Membership may be terminated as provided for in this Constitution, or when a member accepts a position which renders him/her ineligible for membership.



## **ARTICLE 6: CONVENTION**

1. The Convention is the highest authority of Unifor. The Convention shall adopt and may amend this Constitution, and shall elect National Officers, Regional Directors and adopt policies and measures as necessary for the governance and administration of the National Union.
2. The Convention shall be held every three years at a place and time determined by the National Executive Board.

### **A: CONVENTION CALL**

1. Convention call – At the direction of the President, the Secretary Treasurer shall issue a Convention call to all Local Unions and subordinate bodies no less than 150 days before the opening date.

### **B: COMPOSITION OF CONVENTION**

1. At the time of the Convention call, the Secretary Treasurer shall notify Local Unions and subordinate bodies of their delegate entitlement and voting strength.
2. Delegate entitlement and voting strength shall be based on the average national dues payments to the National Union over the one year period prior to the Convention call, excluding any period in which national dues payments have been interrupted by a labour dispute.
3. Delegate entitlement shall be based on the following:

#### **a. Single Unit Local Unions or Subordinate Bodies**

1 to 250 members – 1 delegate  
251 to 500 members – 2 delegates  
501 to 750 members – 3 delegates  
751 to 1,000 members – 4 delegates  
1,001 to 1,250 members – 5 delegates  
And one additional delegate for each additional 250 members

#### **b. Amalgamated Local Unions or Subordinate Bodies**

Each bargaining unit with 250 members or more of an amalgamated Local Union shall have delegate entitlement based on the following:

250 to 500 members – 1 delegate  
501 to 750 members – 2 delegates  
751 to 1,000 members – 3 delegates  
1,001 to 1,250 members – 4 delegates  
And one additional delegate for each additional 250 members

Members of bargaining units within an amalgamated Local Union with fewer than 250 members shall be grouped together and entitled to delegates as per Section B, Paragraph 3a. of this Article.

4. New Local Unions and new subordinate bodies with less than one year of national dues payments shall have delegates and voting strength based on the average per capita payment, but must have a minimum of two months national dues payments to the National Union.
5. Each Local Union and subordinate body shall provide the Secretary Treasurer with delegate registrations no later than 30 days prior to the opening of Convention, including the names, home addresses, email addresses of each delegate, alternate delegate or special delegate, and the identity of the Chairperson of the delegation.
6. The voting strength based on the number of members of the Local Union or subordinate body shall be distributed equally among the delegates elected, and any remaining votes shall be allocated to the Chairperson of the delegation.
7. Delegates and alternate delegates to convention shall be elected by secret ballot with a minimum of 15 days notice to all members of nominations and elections. Candidates with the most votes shall be elected.
8. A Local Union or subordinate body may appoint a special delegate with voice and no vote at Convention.
9. Alternate delegates shall have no voice or vote unless they replace a regular delegate and are registered as a regular delegate by the Credentials Committee.
10. Members of the National Executive Board shall be delegates to Convention with voice and one vote each.
11. Members of the Executive, not exceeding four members each, of the Canadian Council Standing Committees for Women, Racialized and Aboriginal Workers, Young Workers, Lesbian, Gay, Bisexual and Transgendered Persons and Workers with Disabilities shall be delegates with voice. They shall have one vote each provided that they are voting delegates of the Quebec Council or Regional Councils.
12. The members of the National Retired Workers Council Executive shall be delegates to Convention with voice and one vote each.
13. Staff, except support staff, shall be delegates to Convention with voice and no vote.
14. Honorary delegates may be appointed by the National Executive Board with voice and no vote.
15. Any member in good standing of the National Union shall be entitled to attend Convention as an observer.

### **C: RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS**

1. Resolutions and Constitutional amendments proposed by Local Unions or subordinate bodies must be approved by a membership meeting, signed by a Local Union Officer and submitted to the Secretary Treasurer no later than 90 days prior to the opening of Convention.
2. The National Executive Board may submit resolutions or constitutional amendments approved by a majority vote of the National Executive Board.
3. The Secretary Treasurer shall circulate to all Local Unions and subordinate bodies all resolutions or constitutional amendments no later than 60 days prior to the opening of Convention.

### **D: CONVENTION PROCEDURES AND COMMITTEES**

1. The President shall preside at all sessions of Convention, unless another Officer or member of the National Executive Board is delegated as a replacement.
2. Rules of Order and the Convention agenda shall be adopted on the opening day of Convention. The agenda shall include reports from the National Officers, resolutions and constitutional amendments, nomination and election of National Officers and Regional Directors and other business that may be proposed.
3. The quorum for Convention shall be a majority of the delegates registered. All resolutions remaining if the Convention lacks a quorum, or at the time of adjournment, shall be referred to the National Executive Board.
4. The National Executive Board shall appoint delegates to committees to conduct the business of Convention. The appointments shall be affirmed by delegates on the opening day of the Convention. Committees shall make decisions by a majority of those voting. They shall meet prior to the opening of Convention, and during Convention as necessary, to complete their work and prepare reports to the delegates.
5. A Resolutions Committee shall receive all resolutions submitted to Convention and recommend concurrence or non-concurrence. The Resolutions Committee may rewrite a resolution, combine resolutions or provide a substitute resolution, providing it does not contradict the intent of the local union or subordinate body which submitted the resolution.
6. The Resolutions Committee shall receive any late resolution and determine if it is of an emergency character. An emergency resolution shall first be placed before the delegates with a recommendation that the resolution shall be debated. If the recommendation is approved, the Committee shall proceed to recommend concurrence or non-concurrence.

7. A Constitution Committee shall receive all constitutional amendments submitted to Convention and recommend concurrence or non-concurrence.
8. A Credentials Committee shall receive all registrations to Convention and shall inquire into and decide on any disputes over delegate registration. The Credentials Committee shall report on the composition of Convention on the opening day of Convention and provide additional reports on consecutive days of Convention.
9. An Election Committee shall conduct balloting and vote counting for all elections. A balloting procedure may include a secure and confidential electronic voting system. The Election Committee shall report the results of elections to the Convention.
10. Expenses to attend convention and carry out their responsibilities for members of the Resolutions Committee, Constitution Committee, Credentials Committee and Election Committee shall be borne by the Convention Fund. All such expenses shall be approved by the Secretary Treasurer.
11. The National Executive Board may appoint such other committees as it determines are necessary for the Convention.

#### **E: VOTING AND ELECTIONS**

1. All resolutions, except those seeking a Constitutional amendment which require a two-thirds vote for approval, shall be approved by a majority of those voting by a show of hands unless a request for a per capita vote is made by 20 percent of delegates.
2. The President, Secretary Treasurer, Quebec and Regional Directors, shall be elected by secret ballot or by a secure and confidential voting system, on a per capita basis.
3. The nomination of National Officers and Regional Directors and the election shall be held on different consecutive days.
4. A motion to affirm the election of the Quebec Director as recommended by the Quebec Council shall be placed before the delegates following the election of the President and the Secretary Treasurer. The motion to affirm shall be approved by a majority of those voting.

#### **F: SPECIAL CONVENTION**

1. A special Convention may be convened by a two thirds vote of the National Executive Board or by membership votes for a Special Convention by at least 30 percent of Local Unions representing at least 30 percent of the membership in the National Union.
2. A motion or proposal for a Special Convention must contain the specific business and purpose for a Special Convention.

3. The Secretary Treasurer shall issue a call to a Special Convention no later than 30 days prior to the opening day of Convention informing Local Unions and subordinate bodies the specific business and purpose of the Convention. No other business or purpose shall be allowed at the Special Convention.
4. Delegates to a Special Convention and their voting strength shall be the same delegate and voting strength in place at the previous Convention. Alternates may fill vacancies, provided they were elected as alternate delegates to the previous Convention.

## **ARTICLE 7: NATIONAL EXECUTIVE BOARD**

1. The National Executive Board brings together the leadership team of Unifor. While representing distinct groups in the Union, all National Executive Board members have the responsibility and duty to advance and protect the interests of the entire membership.
2. The National Executive Board is the highest authority of Unifor between Conventions.
3. The National Executive Board shall meet at least three times a year. It may hold special meetings, as needed.
4. When fully constituted, the National Executive Board shall have twenty-five members reflecting a balance of industrial, gender, equity, and regional representation.
5. The first National Executive Board shall be elected at the Founding Convention and at subsequent Councils and conferences as set out in this Article. The term of office for members of the first National Executive Board shall be up to a maximum of three years. Thereafter, the term of office of all members of the National Executive Board shall be three years.

### **A: COMPOSITION OF THE NATIONAL EXECUTIVE BOARD**

#### **National Officers**

1. The National Executive Board shall include three full-time National Officers:
  - President
  - Secretary Treasurer
  - Quebec Director
2. The President and Secretary Treasurer shall be elected by the Convention for a three year term, by secret ballot or other secure confidential voting system on a per capita basis. To be elected to office, the candidate must receive a majority of votes cast. If no candidate receives a majority on the first vote, there will be a second vote between the two candidates with the highest number of votes.
3. At the Founding Convention, the Quebec Director shall be elected by delegates from Quebec and affirmed by Convention for a three year term. Thereafter, the Quebec Director shall be elected by secret ballot or other secure confidential voting system on a per capita basis, by the Quebec Council preceding Convention, and shall be affirmed by Convention for a three year term.
4. The National Officers shall take the oath of office and be installed immediately after they are elected.

5. If the office of the President or the Secretary Treasurer becomes vacant, the National Executive Board, within thirty days, must call a Special Convention to elect a new officer. If there is a vacancy in the office of the President within 120 days before a Convention, then the Secretary Treasurer shall assume the responsibilities of that office. Similarly, if there is a vacancy in the office of the Secretary Treasurer, within 120 days before a Convention, then the President shall assume those responsibilities.
6. If the office of Quebec Director becomes vacant, the National Executive Board, within 30 days, shall call a meeting of the Quebec Council to elect a Quebec Director.

### **Regional Directors**

7. The National Executive Board shall include three full time Regional Directors, one for Atlantic Canada, Ontario, and Western Canada.
8. Each Regional Director shall be elected by Convention by secret ballot or other secure confidential voting system on a per capita basis for a three year term. They will be nominated from within their region at a meeting of the Region's delegates at Convention.
9. To be elected to office, the candidate must receive a majority of votes cast. If no one receives a majority of the first vote, there will be a second vote between the two candidates with the two highest votes.
10. Each Regional Director shall take the oath of office and be installed immediately after he or she is elected.
11. In the event of a vacancy in the office of Regional Director, the National Executive Board shall appoint an interim Regional Director until the next Canadian Council or Convention at which time a successor shall be elected for the remainder of the term.

### **Chairpersons of Regional Councils and Quebec Council**

12. The National Executive Board shall include the elected Chairperson of the:
  - Quebec Council
  - British Columbia Council
  - Prairies Council
  - Ontario Council
  - Atlantic Council
13. The first Regional Council and Quebec Council Chairpersons shall be elected by a majority of votes cast at the Founding Convention. The term of the first Regional Council and Quebec Council Chairpersons shall extend to the first scheduled meeting of the respective Councils after the Founding Convention. The first

scheduled meeting will take place within a year of the Founding Convention. At that meeting, and thereafter the Regional Council and Quebec Council Chairpersons shall be elected for a three year term by delegates of the respective Councils.

14. After the Founding Convention, to be eligible for office the Regional Council Chairpersons and Chairperson of the Quebec Council shall be an elected delegate to their respective councils.
15. In the event of a vacancy in the position of Regional Council Chairperson or Chairperson of the Quebec Council, the respective Vice-Chairperson shall serve as an interim chairperson until the next regularly scheduled council meeting.

### **Racialized and Aboriginal Workers Representative**

16. The National Executive Board shall include a representative of Racialized and Aboriginal Workers.
17. At the Founding Convention, the Racialized and Aboriginal Workers Representative shall be elected by Convention by secret ballot on a per capita basis for a term continuing until the first National Conference of Aboriginal and Workers of Colour. Thereafter the Racialized and Aboriginal Workers Representative will be elected by his/her peers at the annual National Conference of Aboriginal and Workers of Colour by a secret ballot majority vote for a three year term. This conference shall include the standing committees on racialized and aboriginal issues established within the Regional and Quebec Councils. It will also determine the description and language that will be used to describe aboriginal workers, racialized and workers of colour in the structures and communications of Unifor.
18. In the event of a vacancy in the position of Racialized and Aboriginal Workers Representative, the National Racialized and Aboriginal Workers Committee (ie. The Canadian Council Racialized and Aboriginal Workers Standing Committee) shall select, from within their ranks, an interim representative to serve on the National Executive Board until the next Aboriginal and Workers of Colour annual conference, at which time an election will take place.

### **Industry Council Representatives**

19. The National Executive Board shall include 11 Industry Council representatives, selected from nominations by Industry Councils.
20. Industry Council representatives on the National Executive Board shall be elected by a secret ballot majority vote or other secure confidential voting system on a per capita basis of the Canadian Council, based on nominations by Industry Council and recommendations to the Canadian Council by the National Executive Board. The National Executive Board will receive nominations from the Industry Councils reasonably in advance of a Canadian Council meeting and present recommendations to meet the gender, regional and industry representation expressed in this



constitution. All such recommendations will be mutually agreed with the appropriate Industry Council.

21. The eleven Industry Sectors represented on the first National Executive Board shall consist of seven economic sectors of the predecessor CAW-Canada and four economic sectors of the predecessor CEP, telecommunications, energy, forestry and media.
22. At the Founding Convention, the eleven representatives (seven from the predecessor CAW-Canada sectors and four from the predecessor CEP sectors) shall be elected for a term extending to the 2014 Canadian Council meeting. Industry Council representatives shall be elected by a secret ballot majority vote or other secure confidential voting system on a per capita basis. The Industry Council representatives shall take the oath of office and be installed after they are elected at the Founding Convention.
23. At the 2014 meeting of the Canadian Council, an election shall occur, according to the provisions of Paragraph 22 above, to select the individuals who will represent the seven predecessor CAW-Canada sectors, and four predecessor CEP sectors and whose term shall extend to the 2017 Canadian Council meeting.
24. In the event of a vacancy in the position of Industry Council Representative, the National Executive Board, in consultation with the respective Industry Council, shall select an interim representative who shall serve until the next Canadian Council meeting at which time an election shall occur.

### **Retired Workers Representative**

25. The National Executive Board shall include a representative of Retired Workers.
26. The Retired Worker Representative shall be the Chairperson of the National Retired Workers Council Executive.
27. The term of office of the Retired Workers representative on the National Executive Board shall be the term of office of the Chairperson of the National Retired Workers Council and shall not exceed three years.
28. At the Founding Convention, the Chairperson of the National Retired Workers Council shall take the oath of office and shall be installed as a member of the National Executive Board.
29. In the event of a vacancy in the position of Retired Worker Representative, the Vice-Chairperson of the National Retired Workers Council shall serve as interim representative until an election has occurred.

### **Skilled Trades Representative**

30. The National Executive Board shall include a representative of Skilled Trades Workers.

31. The Skilled Trades Representative shall be the Chairperson of the National Skilled Trades Council.
32. The term of office of the Skilled Trades Workers Representative on the National Executive Board shall be the term of office of the Chairperson of the National Skilled Trades Council and shall not exceed three years.
33. At the Founding Convention, the Chairperson of the National Skilled Trades Council shall take the oath of office and shall be installed as a member of the National Executive Board.
34. In the event of a vacancy in the position of Skilled Trades Worker Representative the Vice-Chairperson of the National Skilled Trades Council shall serve as interim representative until an election has occurred.

### **Gender Balance**

35. The number of women sitting on the National Executive Board shall be at least equal to the proportion of women members in the Union.

### **Regional Balance**

36. Members from any one region of the National Union (Atlantic Region, Ontario Region, Western Region and Quebec) shall not hold more than 13 of the 25 seats on the National Executive Board at any one time.

### **Membership in Good Standing**

37. To be eligible for election to any position as a National Officer, Regional Director, or other member of the National Executive Board, a candidate must be a member in good standing of the National Union.

## **B: NATIONAL EXECUTIVE BOARD PROCEDURES**

1. A majority of the National Executive Board shall be present to constitute a quorum. No business shall be conducted without a quorum. Only a majority of the National Executive Board can adjourn a board meeting.
2. The National Executive Board shall make decisions by majority vote. Each member has one vote.
3. Verbatim transcripts will be taken at National Executive Board meetings. The proceedings will be transcribed immediately and sent to Board members. A record of decisions and actions of the National Executive Board shall be provided to all Local Unions and subordinate bodies in a timely way.
4. The National Executive Board may initiate an in-camera session, at its discretion.

5. In the event that a request for a Special National Executive Board meeting has been made by four members of the Board and been declined by the President, four Board members may submit a written request to the Secretary Treasurer for a Special National Executive Board meeting.
6. Within 48 hours of receiving the request, the Secretary Treasurer will poll the National Executive Board members. If a majority votes in favour, the President will convene the Board within five days. If the President fails to do it, the Secretary Treasurer or a Board member assigned to do it by the National Executive Board will arrange the meeting.

### **C: NATIONAL EXECUTIVE BOARD RESPONSIBILITIES AND AUTHORITY**

1. The National Executive Board may rescind, reverse or repeal any action or decision of any National Officer, Regional Director, or member of the National Executive Board.
2. The National Executive Board shall cause to amend any By-Laws of a Local Union or other subordinate body that do not conform to this Constitution.
3. The National Executive Board may settle jurisdictional disputes between Local Unions.
4. The National Executive Board shall oversee the funds of the National Union and authorize expenditures which conform to the objectives of this Constitution, and policies of the Union.
5. The National Executive Board shall ensure that the financial accounts and records of the National Union are audited at least annually by an independent Chartered Accountant approved by the Board, with a copy of the audit report to be delivered in a timely way to all Local Unions and subordinate bodies.
6. The National Executive Board shall have the authority to administer the National Strike and Defence Fund Policy.
7. The National Executive Board shall be empowered to amend this Constitution for the purpose of complying with any legal requirements relating to the acceptance of this Constitution, the Union's status at law, as a trade union or bargaining agent, as advised by legal counsel.
8. The National Executive Board shall approve the terms and conditions of employment of non-unionized employees of the National Union. With respect to all other staff of the National Union, the National Executive Board must ratify the collective agreement governing their terms and conditions of employment before the agreement is effective.

9. The National Executive Board shall decide how and for how much National Officers, Regional Directors, Staff, and Local Union signing Officers will be bonded.
10. The National Executive Board shall approve the department and area office structure of the National Union.
11. The National Executive Board shall receive, review and approve applications for a Local Union, Community Chapter, or subordinate body Charter.
12. The National Executive Board shall approve the By-Laws of the Canadian Council, Quebec, Regional and Industry Councils and Local Unions and other subordinate bodies and will, among other things, ensure that they shall reflect the gender and equity principles of this Constitution.
13. The National Executive Board shall exercise its authority and mandate as expressed elsewhere in this Constitution.
14. Between Conventions, the National Executive Board has the authority to make and amend policies of the National Union.

## **ARTICLE 8: RESPONSIBILITIES OF NATIONAL OFFICERS**

### **A: RESPONSIBILITIES OF THE PRESIDENT**

1. Between National Executive Board meetings, the President has authority. He or she works to protect and advance the interests of Unifor. He/she is responsible to the National Executive Board, and ultimately the membership, for the administration of Unifor, and all its programs and activities.
2. The President leads and coordinates the leadership team of the National Union. The President directs and coordinates collective bargaining undertaken in the Union.
3. The President must act in conformity with the Constitution, and the actions of Convention or Special Convention, and National Executive Board and Canadian Council.
4. The President may act personally or through delegation of authority to other National Officers, Regional Directors, or Staff of the National Union.

### **At Convention and Canadian Council**

5. The President is the presiding Officer at a Convention, Special Convention and Canadian Council.
6. He/she will report to the Convention and Canadian Council.

### **National Executive Board**

7. The President shall convene and preside at regular and special meetings of the National Executive Board, other than a meeting convened under Article 7 section B Paragraph 6.
8. The President will report on his/her activities and make recommendations to the National Executive Board. All his/her actions will be subject to approval of the Board. He/she will carry out the instructions or decisions of the Board.

### **Special Meetings**

9. The National President may call special meetings of Councils, Local Unions or other subordinate bodies, to protect the interests of their members.

### **Assignment of Duties**

10. The President may assign duties and responsibilities to other National Officers, Regional Directors and Staff of the Union, and such an assignment may be withdrawn at the President's discretion.

### **Resolution of Disputes**

11. The President will rule on all Constitutional issues, except where another dispute resolution procedure is provided by this Constitution.

### **Commercial Contracts with Third Parties**

12. The President is a signing officer of the National Union. To conduct the affairs of the National Union and in keeping with its objectives, the President or Secretary Treasurer has the authority to sign, administer and enforce any commercial contract on behalf of the National Union with another party.
13. The President or Secretary Treasurer may delegate this authority in writing to the Quebec Director, a Regional Director and/or a National Representative. Unless the Officer revokes it, the authority will be good for the remainder of the Officer's term.

### **Staff**

14. All staff of the National Union shall be appointed or hired by the President. The President shall administer the collective agreements made with the collective bargaining agents representing the staff of the National Union.
15. The President may establish new staff departments or reorganize existing departments, or area offices, as approved by the National Executive Board.

### **Spokesperson**

16. The President is the spokesperson of the National Union.

### **Committee Appointments**

17. The President shall appoint all National Union committees and delegations of the National Union not otherwise provided for in this Constitution, or policies of the National Union, subject to the approval of the National Executive Board.

### **General Authority**

18. The President shall exercise his/her authority and responsibilities as expressed elsewhere in this Constitution.

## **B: RESPONSIBILITIES OF THE SECRETARY TREASURER**

1. The Secretary Treasurer is part of the National leadership team of Unifor, and shall assist the President in carrying out his/her responsibilities.

2. The Secretary Treasurer shall act under the direction of the President and shall assume administrative, political, organizing and bargaining responsibilities as assigned by the President.
3. The Secretary Treasurer will act as the financial officer of the National Union and report on the financial affairs of the National Union to Convention, Canadian Council, the National Executive Board, Local Unions and other subordinate bodies of the Union as deemed appropriate.
4. He/she will be the custodian of the National Union's funds, seal, and financial books and records.
5. He/she shall receive the income of the National Union, and collect all monies due to it. He/she shall deposit all funds of the National Union in its name with appropriate financial institutions.
6. He/she shall pay all bills and expenses of the National Union, by cheque, counter-signed by the President.
7. He/she shall invest the money of the National Union not needed to meet current obligations, according to procedures and standards set by the National Executive Board.
8. The Secretary Treasurer shall take all necessary steps to register and/or copyright the name, logo, insignia and/or seal and other property of the National Union.
9. The Secretary Treasurer shall ensure that there is an official record of the proceedings of Convention, Special Convention, National Executive Board and Canadian Council.
10. He/she shall ensure adequate bonding, in the amounts prescribed by the National Executive Board for every Officer, Representative and staff person of the National Union who handles the funds or other property of the National Union.
11. The Secretary Treasurer shall coordinate and maintain a National Union membership list. The list shall be used only for purposes that conform to the objectives of the Union.
12. The Secretary Treasurer shall prepare and present to the National Executive Board an annual National Union budget, or other special budget as may be requested.
13. The Secretary Treasurer shall exercise his/her authority and responsibilities as expressed elsewhere in this Constitution.

### **C: RESPONSIBILITIES OF THE QUEBEC DIRECTOR**

1. The Quebec Director shall be part of the National leadership team and shall assist the President and Secretary Treasurer in carrying out their responsibilities.

2. The Quebec Director shall act under the direction of the President on any matter concerning the National Union as a whole and shall assume administrative, political, organizing and bargaining responsibilities as assigned by the President.
3. The Quebec Director shall administer and direct the activities of the Union in Quebec.
4. The Quebec Director shall act on behalf of the President on matters related to the national character or distinctness of Quebec and is the principal spokesperson of the Union in Quebec.
5. The Quebec Director shall be responsible for all programs and policies of the National Union and the Quebec Council and shall ensure the objectives of the Union are achieved.
6. The Quebec Director shall recommend to the President the appointment of Assistants, Area Directors, National Representatives, specialized staff and support staff to conduct the affairs of the Union in Quebec. The Quebec Director shall direct and coordinate the work of his/her Assistants, Area Directors and Staff in Quebec.
7. The Quebec Director may make recommendations to the President with respect to the area office and Department structure of the National Union in Quebec.
8. The Quebec Director shall report and make recommendations to each meeting of the Quebec Council and shall submit a report to each meeting of the Canadian Council. The Quebec Director shall also report to the National Executive Board at its meetings.
9. The Quebec Director shall assist in the coordination of the Quebec Council and shall be a delegate to the Quebec Council and a member of the Executive of the Quebec Council.
10. The Quebec Director shall have the authority to convene a meeting of the Quebec Council, if it is determined by him/her to be necessary and in the best interest of the members in Quebec.
11. The Quebec Director shall exercise his/her authority and responsibilities as expressed elsewhere in this Constitution.

#### **D: RESPONSIBILITIES OF REGIONAL DIRECTORS**

1. The Regional Directors shall assist the President and carry out assignments as determined by the President and the National Executive Board.
2. The Regional Directors shall be part of the National leadership team and shall assist the National Officers in carrying out their responsibilities.



3. The Regional Directors shall be responsible for all programs and policies of the Union within their region and shall ensure the objectives of the Union are achieved.
4. The Regional Directors shall assist in coordinating the activities of the Regional Council(s) in his/her region.
5. The Regional Directors are delegates to the Regional Councils in his/her area and shall be a member of the Executive of the appropriate Regional Council(s).
6. The Regional Directors shall report and make recommendations to each meeting of the Regional Council in his/her region and shall submit reports to each meeting of the Canadian Council.
7. The Regional Directors shall coordinate the work of National Representatives and Area Directors and jointly strive to build the Union in their Region.

#### **E: SALARIES AND HONORARIUMS**

1. The annual salaries of the National Officers and Regional Directors, as of September 2, 2013, shall be:
  - President \$156,017.92
  - Secretary Treasurer \$143,906.19
  - Quebec Director \$135,906.81
  - Regional Directors \$130,906.81
2. Effective January 1, 2016 and continuing every January 1 thereafter, the salary for each National Officer and Regional Director shall increase by a percentage amount reflecting the weighted average wage increase of the membership in the preceding year.
3. The weighted average wage increase shall include all regular wages but will not include lump sums, bonuses or other special adjustments.
4. The weighted average wage increase will be prepared by the Director of Research and presented to the National Executive Board for approval at the first regular meeting of each year.
5. National Executive Board members who are not full time National Officers or Regional Directors shall receive an honorarium of \$600 per month.

## **ARTICLE 9: CANADIAN COUNCIL**

1. All Local Unions and other subordinate bodies are members of the Canadian Council.
2. The Canadian Council shall meet each year in which there is no Convention.
3. All meetings and proceedings of the Canadian Council will be fully translated and interpreted in Canada's two official languages.
4. The Executive of the Canadian Council shall include the National Officers, the elected Chairpersons of the Regional Councils and Quebec Council, and other members as determined by Canadian Council By-Laws. The composition of the executive shall reflect the gender and equity principles of the union.
5. The Canadian Council will be convened and chaired by the President of the National Union.
6. There will be no levy upon Local Unions or subordinate bodies for the Canadian Council.
7. Expenses of the Canadian Council, excluding costs for Local Union, Regional Council and Industrial Council delegates, shall be approved by the National Executive Board and borne by the National Union.
8. Local Union delegate entitlement to the Canadian Council shall be as follows:  
  
Local Unions with 1 to 500 members – 1 delegate  
Local Unions with 501 to 999 members – 2 delegates  
Local Unions with 1,000 to 2,999 members – 4 delegates  
Local Unions with 3,000 members or more – 6 delegates  
  
Local Unions may apply to the Secretary Treasurer to send one additional delegate who shall be a woman or from an equity seeking group. The Secretary Treasurer may restrict these delegates according to cost and space limitations.
9. The following individuals will also be delegates to the Canadian Council with voice and one vote each:
  - In addition to the Chairperson, 4 executive members of the Quebec Council and Regional Councils.
  - 3 members of each Standing Committee of the Quebec Council and Regional Councils established in this constitution.
  - Executive members of Industry Councils.
  - Members of the National Executive Board.
  - Members of the Executive of the National Retired Workers Council.

10. The Canadian Council will, among other things:
  - Elect Industry Council representatives to the National Executive Board.
  - Elect a Regional Director upon a vacancy arising in that position.
  - Receive, review, discuss, and adopt reports from National Officers, Regional, Area, Industry and Department Directors, and National Representatives, with respect to their respective activities and assignments.
  - Adopt policies or resolutions which are consistent with the objectives and principles of the National Union.
  - Conduct campaigns with respect to national affairs, including matters pertaining to the Canadian Labour Congress, federal elections, and other struggles affecting the National membership.
  - Engage in special campaigns of solidarity in support of Local Unions or subordinate bodies fighting for fair contracts, secure employment, or any of the objectives of the National Union.
  - Engage in special campaigns of solidarity in support of progressive allies and community partners whose struggles are consistent with the objectives of the National Union.
  - Sustain the organizing efforts of the National Union across Canada.
11. Canadian Council By-Laws must conform with this Constitution and are subject to the approval of the National Executive Board.
12. The Canadian Council shall establish Standing Committees with respect to Women, Organizing, Aboriginal and Racialized Workers, Young Workers, Lesbian, Gay, Bisexual and Transgender issues (LGBT), Workers with Disabilities, Health and Safety and Environment (HSE), Political Action and other Committees as determined by the Executive of the Council. These committees will be composed of representatives of the respective standing committees of the regional and Quebec Councils. The process for selecting additional members to the Standing Committees shall be described in the By-Laws. The selection of members to the Standing Committees on Women, Aboriginal and Racialized Workers, Young Workers, Lesbian, Gay, Bisexual and Transgender issues (LGBT) and Workers with Disabilities, shall include a provision for peer election.
13. Successive meetings of the Canadian Council shall take place in different locations in Canada.
14. All elections conducted by the Canadian Council shall be by a secret ballot, or other secure and confidential voting system on a per capita basis. Per capita voting strength shall be divided equally among the number of Local Union delegates attending, with any left over votes to be allocated to the President or Chairperson of the delegation.
15. All resolutions, except those seeking a Constitutional amendment which require a two-thirds vote for approval, shall be approved by a majority of those voting by a show of hands unless a request for a per capita vote is made by 20 percent of delegates.

## **ARTICLE 10: REGIONAL AND QUEBEC COUNCILS**

1. The Regional Councils and the Quebec Council are a democratic force for union activism, solidarity, and strength. They are forums of accountability and organizing centres which will involve and engage thousands of local union activists in the life of the union.
2. All Local Unions and subordinate bodies are members of the Quebec Council, or their respective Regional Council.
3. There shall be a Quebec Council and four Regional Councils. The four Regional Councils shall consist of the:
  - a. British Columbia Council
  - b. Prairies Council (comprising Alberta, Saskatchewan and Manitoba)
  - c. Ontario Council
  - d. Atlantic Council (comprising Newfoundland and Labrador, Nova Scotia, New Brunswick, and Prince Edward Island)
4. All Local Unions or subordinate bodies located in the Territories, or Nunavut, shall be assigned to a Regional Council or the Quebec Council by the National Executive Board.
5. The membership of a National or multi-regional Local Union shall be assigned to the Council covering their residence. They shall be deemed to constitute a local union for the purposes only of their respective Regional or Quebec Council.
6. Delegate entitlement shall be based on the following:

### **a. Single Unit Local Unions or Subordinate Bodies**

1 to 250 members – 1 delegate

251 to 500 members – 2 delegates

501 to 750 members – 3 delegates

751 to 1,000 members – 4 delegates

1,001 to 1,250 members – 5 delegates

And one additional delegate for each additional 250 members

### **b. Amalgamated Local Unions or Subordinate Bodies**

Each bargaining unit with 250 members or more of an amalgamated Local Union shall have delegate entitlement based on the following:

250 to 500 members – 1 delegate

501 to 750 members – 2 delegates

751 to 1,000 members – 3 delegates

1,001 to 1,250 members – 4 delegates

And one additional delegate for each additional 250 members

Members of bargaining units within an amalgamated Local Union with fewer than 250 members shall be grouped together and entitled to delegates as per Paragraph 6 a. of this Article.

Delegate entitlement shall be based on the average dues payment to the Quebec Council and Regional Councils in the year preceding the Council meeting excluding any period in which National Union dues payments have been interrupted by a labour dispute.

7. Delegates to Quebec Council and Regional Councils shall be elected by secret ballot with a minimum of 15 days notice to all members of nominations and elections. Candidates with the most votes shall be elected.
8. Upon approval of the National Executive Board the Regional and the Quebec Councils may change the Local Union regular delegate entitlement formula provided:
  - No Local Union's regular delegate entitlement is reduced, and
  - The balance of regular delegates from the two predecessor unions is maintained.
9. The Councils may also consider the inclusion of alternate delegates and/or special delegates. Special delegates, with voice and no vote, may include a Local Union President or Chairperson of a bargaining unit. They may also include representatives of designated equity groups who would participate in the Council's Standing Committees.
10. In addition to and at the same time as National Union dues payable by Local Unions a per capita levy of 0.0135% of every worker's regular wages will be paid on a monthly basis by every Local Union to the National Union, which will distribute to the Regional Councils or the Quebec Council, their appropriate share of funds.
11. The By-Laws of the Quebec Council and each Regional Council must conform to this Constitution. They shall be approved by the National Executive Board, and shall reflect the gender and equity principles of the National Union.
12. The term of office of delegates to the Regional Councils and the Quebec Council shall be equal in length to the term of office of the Executive of the Local Union from which they are elected.
13. The Executive of each Regional Council and the Quebec Council at a minimum shall include an elected Chairperson, Vice Chairperson, and Secretary Treasurer. The composition of the Executive shall reflect the gender and equity principles of the Union. Each member of the Executive of a Regional Council or the Quebec Council shall serve a three year term. Regional Directors shall be delegates to their respective Regional Council and ex-officio members of the Executive of the Regional Council. The Quebec Director shall be a delegate to the Quebec Council and an ex-officio member of the Quebec Council Executive.

14. Each Regional Council and the Quebec Council will establish standing committees with respect to Women, Aboriginal and Racialized Workers, Young Workers, Lesbian, Gay, Bisexual and Transgender Workers (LGBT), Workers with Disabilities, Health, Safety and the Environment (HSE), Political Action, and other committees as determined by the Executive of the Council.
15. The Standing Committees are accountable to their respective Council and Council Executive. Each Standing Committee shall have the authority and funds delegated to it by the Regional or Quebec Council.
16. The process for selecting Standing Committee members shall be described in the By-Laws of the Council(s). The selection of members to the Standing Committees on Women, Aboriginal and Racialized Workers, Lesbian, Gay, Bisexual and Transgender (LGBT) members, Workers with Disabilities and Young Workers shall include a provision for peer election.
17. Standing Committees may organize conferences and meetings, initiate educational events and activities, mobilize members and make recommendations to the Council to build the union within the mandate of the committee.
18. The regional Council and the Quebec Council, will among other things:
  - Elect a Chairperson, who shall serve on the National Executive Board, and a Vice-Chairperson, Secretary Treasurer, and others as determined by Council By-Laws.
  - Review reports and issue directions to Standing Committees.
  - Receive, review, discuss and adopt reports from National Officers, Regional, Area, Industry and Department directors, and staff, with respect to their activities and assignments.
  - Adopt policies or resolutions which are consistent with the objectives and principles of the National Union.
  - Conduct campaigns with respect to regional or provincial affairs, including matters pertaining to the Provincial or Territorial Federations of Labour, provincial and municipal elections, and other struggles affecting the membership.
  - The Quebec Council may also conduct a campaign and activities pertaining to Federal elections.
  - Engage in special campaigns of solidarity and support of a Local Union or subordinate body fighting for a fair contract, security of employment, or any of the objectives of the National Union.
  - Engage in special campaigns of solidarity in support of progressive allies and community partners whose struggles are consistent with the objectives of this National Union.
  - Sustain and support the organizing efforts of the National Union across Canada.

19. Meetings of the Regional Councils and the Quebec Council shall be held at least once a year.
20. All resolutions shall be approved by a majority of those voting by a show of hands unless a request for a per capita vote is made by 20 percent of delegates.
21. On any resolution, at the request of at least 20% of the delegates, by a show of hands, a per capita vote shall be conducted.
22. The National Officers of the Union are delegates to all Regional Councils and the Quebec Council.

## **ARTICLE 11: INDUSTRY COUNCILS**

1. A group of Local Unions having members in a defined economic sector may jointly propose the formation of an Industry Council to the President.
2. The proposal shall include a description of the objectives, governance, By-Laws, and financing of the Industry Council along with a list of the initial Local Union components of the Industry Council, with a concise description of the relevant work undertaken by members of the Local Union components.
3. The President shall convey the proposal with a recommendation to the National Executive Board, at its next meeting.
4. The National Executive Board shall determine whether to accept or reject the proposal, or return it to the applicant Local Unions with suggestions for amendments. The applicant Local Unions may resubmit an amended proposal.
5. Once an Industry Council is established, all Local Unions or bargaining units thereof in the defined economic sector shall be invited and encouraged to join.
6. The National Executive Board shall convene the first meeting of an Industry Council with at least two months' notice to all Local Unions or bargaining units who have members employed in the economic sector represented by the Council. An Executive of the Council shall be elected in accordance with Council By-Laws, at the first meeting. The By-Laws of the Council shall reflect the gender and equity principles of the National Union.
7. The Industry Council shall be financed by a per capita levy on the membership of the Local Unions, or components thereof, employed in that sector. The amount of the per capita levy shall be decided by the Industry Council.
8. The Industry Council shall meet at least once a year and will be encouraged to coordinate such meetings with the meetings of the Canadian Council.
9. In economic sectors where the President has appointed an Industry/Sector Director, the Director shall help coordinate the work of the Industry Council.
10. The purposes of the Industry Council are to, among other things:
  - Make nominations to the National Executive Board.
  - Advocate on behalf of the members in the economic sector with respect to matters of common concern.
  - Debate, formulate and coordinate industrial strategies.
  - Assist in the coordination of collective bargaining demands and agendas, and through the formulation of policies, deal with employers in the economic sector in supportive and strategic fashion.



- Assist in the organization of new bargaining units within the economic sector and partner with the National Union in strategic organizing.
  - To meet, share information, network, and coordinate all union representative and community activities in the economic sector.
11. Industry Councils who wish to make nominations to the National Executive Board shall do so well in advance of the Board elections at the Canadian Council, and with proper notice to all participating Local Unions in the Industry Council.
  12. In discussions with the National Executive Board, concerning these nominations, the Executive of the Industry Council may act on behalf of the Council.

## **ARTICLE 12: NATIONAL RETIRED WORKERS COUNCIL**

1. The National Executive Board shall establish a retired worker structure within Unifor.

### **Retired Workers**

2. A retired member is a member of a local union who has severed his/her employment relationship with a particular employer in the expectation of receiving a pension or retirement income.
3. A member who retires is entitled to “retired membership status” and does not have to pay dues. The retired member has all the privileges of membership except the right to vote on contract demands, strike votes, ratifications of collective agreements and on matters pertaining to the administration of the collective agreement. In addition a retired member cannot run for local union executive office and cannot vote in elections for workplace representatives.

### **Local Union Chapters of Retired Workers**

4. Twenty-five or more Retired Workers can apply to establish a Local Union Retired Workers Chapter by submitting its proposed By-Laws to the executive of the Local Union. When such an application is made the Local Union will review the proposed By-Laws and amend its own By-Laws to establish the retired worker chapter.
5. The Chapter shall hold regular meetings of its members.
6. The Chapter’s members shall elect a retired worker to be a representative of retired members on the Local Union Executive Board with voice and vote, using election procedures which conform to this constitution.
7. The Local Union President or designee shall be a member of the executive of the Local Union Retired Workers Chapter with voice and vote.
8. Local Union Retired Workers Chapters shall adhere to National Union policies.

### **Predecessor CEP Locals**

9. In the case of predecessor CEP local unions, retired worker chapters shall be established when 25 or more retired members with retirement dates after September 1, 2013 apply to the Local Union to form a chapter. When a Retired Workers chapter has been established past retired members are eligible to join.
10. Where an association of Retired Workers already exists, these members can immediately apply for status as a Local Union Chapter of Retired Workers.
11. When a Retired Worker Local Chapter is established, retired members shall immediately have voice but no vote at Local Union meetings.

12. Within one year of a local chapter's continuous operation, the Local Union shall amend its By-Laws to provide a position on the local executive for a representative of the retired worker chapter.
13. Within three years of establishing the retired worker local chapter, retired members shall have full rights of retired members as outlined in the Constitution.
14. A Local Union may apply to the National Executive Board for different voting provisions for retired members under this article.

### **Area Councils of Retired Workers**

15. Area Retired Workers Councils can be established in designated geographic areas, or by combination of designated Local Unions.
16. A group of Local Union Retired Workers Chapters may jointly propose the formation of an Area Council of Retired Workers to the President of the National Union.
17. The President shall convey the proposal with a recommendation to the National Executive Board for consideration at its next meeting.
18. The proposal shall include a description of the objectives and governance of the Council as well as a decision on whether its membership shall be member or delegate based.
19. The President of each Local Union within the jurisdiction of an Area Retired Workers Council is entitled to name one delegate to the Area Council.

### **National Council of Retired Workers**

20. There shall be a National Retired Workers Council whose By-Laws shall be approved by the National Executive Board.
21. Delegate entitlement to the National Retired Workers Council shall be as follows:
  - (a) Each Local Union Retired Workers Chapter is entitled to one delegate.
  - (b) Each Chapter with more than 1,000 members is entitled to one additional delegate for each 1,000 members or major part thereof.
  - (c) Each Area Retired Workers Council is entitled to three delegates.
  - (d) Each Local Union with a Retired Workers chapter is entitled to one delegate named by the Local Union President.
22. The National Executive Board may approve additional representation.
23. The National Retired Workers Council shall amongst other endeavours:

- (a) Elect a chairperson who will be a member of the National Executive Board.
- (b) Promote the policies and participate in the programs of the National Union.
- (c) Consider resolutions submitted by Local Chapters and Area Councils.
- (d) Advise the National Executive Board on issues that affect Retired Workers within the union.
- (e) Work to advance the interest of Retired Workers in our communities.
- (f) Engage in the political, educational and organizing campaigns of the National Union.

24. The National Retired Workers Council shall meet annually and the event will be translated and interpreted in Canada's two official languages.

### **The Executive of the National Retired Workers Council**

25. A National Retired Workers Council Executive shall be established and shall meet quarterly.

26. The composition of the Executive shall reflect the regional, gender and equity principles of the National Union.

27. The Executive shall be composed of a Chair, a Vice-Chair, a Secretary, and seven members-at-large. The executive positions shall be filled at the annual meeting of the National Retired Workers Council immediately following the Convention of the National Union.

28. The procedures for electing the executive shall conform to this Constitution. The Executive shall serve for a term of three years.

29. Upon election the Chairperson of the Executive shall be a member of the National Executive Board.

30. In the event of a vacancy in the position of Chairperson, the Vice-Chairperson will serve as the interim Chairperson until the next annual meeting of the National Retired Workers Council, at which time an election will be conducted to fill the vacancy.

31. Each member of the National Retired Workers Council Executive is automatically a delegate to Convention and the Canadian Council with voice and vote.

32. The Chairperson of the National Retired Workers Council or her/his designee is automatically a delegate to each Regional Council with voice and one vote.

### **Membership and Dues**

33. Membership in the Retired Workers structures is open to any member entitled to retired membership status.

34. Retired Workers are not required to pay dues during retirement. To assist in financing, voluntary retired membership dues are \$1 per month. A Local Union may increase the dues subject to the approval of the National Executive Board.
35. Dues will be distributed as follows:
  - (a) 55 cents shall be allocated to a National Retired Workers Fund, of which 10¢ shall be remitted to the appropriate Area Retired Workers Councils. The National Retired Workers Fund shall support the activities of the National Retired Workers Council.
  - (b) 45 cents shall be allocated to the appropriate Local Union Retired Workers Chapter.
36. The National Executive Board will decide the distribution of funds from the National Retired Workers Fund. Each Local Union Retired Workers Chapter Fund shall be held by the Local Union for disbursement upon the request of the Retired Workers Chapter.

## **ARTICLE 13: NATIONAL SKILLED TRADES COUNCIL**

1. The National Executive Board shall establish a Skilled Trades structure within Unifor.

### **Skilled Trades Members**

2. A Skilled Trades member is a member who has completed an apprenticeable trade and is working in a Skilled Trades classification or who has otherwise satisfied the requirements to receive a union journeyperson card. Where a member or group of members believes they have satisfied the requirements they can request a review from the Skilled Trades Department of the National Union.

### **Skilled Trades Program**

3. A Local Union or bargaining unit, with the support of the majority of Skilled Trades members can make application to the National Executive Board to participate in the Skilled Trades Program.
4. The Skilled Trades Program is intended to coordinate and support the skilled trades in the union. The program works to promote journey person standards, secure apprenticeships, and support bargaining on skilled trades issues. The program recognizes the interests of the trades within the union and works to strengthen solidarity between trades and other members of the union.
5. In addition to regular dues, a Skilled Trades member, working in a skilled trades classification under the Skilled Trades Program, will pay annual dues equivalent to one-half hour of regular wages once a year.
6. The dues are remitted to the National Skilled Trades Council and the Area Skilled Trades Council in a distribution established in the By-Laws of the National Skilled Trades Council.
7. The Skilled Trades Department of the National Union shall work with local unions and bargaining units to establish skilled trades recognition language in collective agreements and to secure additional provisions which safeguard and advance the interests of skilled trades. Local unions or units in the Skilled Trades Program shall submit demands affecting skilled workers to the Skilled Trades Department of the National Union before submitting them to the employer.
8. In workplaces in the Skilled Trades Program, Skilled Trades workers may request to vote in separate ratifications as in Article 17 (Collective Bargaining). A local union or bargaining unit may apply, on behalf of its Skilled Trades members, to the President of the National Union for separate balloting on matters which relate exclusively to the Skilled Trades. Where a request for separate ratification has been rejected by the local union the Skilled Trades can request a Review of Decision to the President of the National Union.

9. In workplaces in the Skilled Trades Program workplace representatives may be elected exclusively by and from the Skilled Trades to represent Skilled Trades members.
10. Local unions and bargaining units in the Skilled Trades Program shall send delegates to the Skilled Trades Collective Bargaining and New Technology Conference which is convened every three years.
11. Skilled Trades members in the Skilled Trades Program are members of the National Skilled Trades Council and its Area Councils.

### **National Skilled Trades Council**

12. All Skilled Trades members who pay the special Skilled Trades assessment in the Skilled Trades Program are members of the National Skilled Trades Council.
13. The By-Laws of the National Skilled Trades Council shall be submitted for approval to the National Executive Board and shall include a description of its objectives, composition of the executive, provisions for establishing Area Councils, rules and procedures, schedule of meetings and the distribution of dues between the National and Area Councils. The By-Laws shall reflect the gender and equity principles of the National Union.
14. The National Skilled Trades Council shall be composed of delegates from all Area Councils of the Skilled Trades and where Skilled Trades Area Councils are not established by delegates from other Skilled Trades bodies approved by the National Skilled Trades Council.
15. Delegates to the National Skilled Trades Council are selected from Area Skilled Trades Councils and other approved bodies in a manner specified in the By-Laws of the Councils and in conformity with the provisions of the Constitution.
16. The National Skilled Trades Council shall elect an executive including a Chairperson, a Vice-Chairperson, a Financial Secretary and a Recording Secretary. The composition of the executive shall reflect the gender and equity principles of the union. The executive shall be elected at a meeting of the National Skilled Trades Council called for that purpose. The term of office is for three years.
17. Elections shall conform to the procedures in the Constitution which require secret ballots or other confidential voting systems, run-offs between the top two contenders and election results based on the majority of votes cast on a per capita basis.
18. Upon election the chairperson of the National Skilled Trades Council shall be a member of the National Executive Board.
19. In the event of a vacancy in the office of Chairperson, the Vice-Chairperson shall serve as an interim chairperson until an election is conducted at the next scheduled meeting of the National Skilled Trades Council.

## **ARTICLE 14: STAFF**

1. An engaged staff is an integral part of Unifor's leadership and activism. Staff shall work with Local Union leadership to advance the interests of the membership in the workplace and the broader community. Staff shall be actively engaged in the political and organizing campaigns of the union and shall work with dedication and commitment to build the union.
2. The essential task of staff is to build the Union so that it may better attain the objectives spelled out in the Constitution.
3. All staff will conduct themselves in a manner that respects and adheres to the principles of this Union.
4. All staff of the National Union shall be appointed or hired by the President.
5. The staff of the National Union shall consist of Assistants to the National Officers, Area, Industry and Department Directors, National Representatives, Support Staff persons, and persons in other classifications as directed by the National Executive Board.
6. The National Executive Board will approve the terms and conditions of employment of all non-unionized staff, and shall ratify the proposed collective agreements pertaining to staff represented by a collective bargaining agent.
7. All staff, save for support staff persons, must be members in good standing of a Local Union.
8. National Representatives in service assignments will work out of area offices, coordinated by Area Directors.
9. All National Representatives and Area Directors shall report to the President through their respective Regional Directors, or Quebec Director.
10. National Representatives in specialized Departments, Department Directors, and Industry Directors shall report directly to a National Officer and work out of a National Union office, as directed by the President.
11. No permanent staff person may hold office in a Local Union or subordinate body.
12. A staff person, other than support staff, is eligible to be a candidate for, or hold office as President, Secretary Treasurer, Quebec Director or Regional Director.



## **ARTICLE 15: LOCAL UNIONS**

### **A: GENERAL PROVISIONS**

The power of Unifor is rooted in strong Local Unions directly connected to the concerns and interests of the communities in which their membership live and work.

1. Every Local Union will strive to attain the objectives set out in this Constitution; to do all in its power to strengthen and promote the labour movement; to cooperate with the National Executive Board and National Representatives, and help promote the organization of workers into the Union.
2. Newly recognized or certified bargaining units of workers shall be assigned by the National Executive Board to an already existing Local Union, whenever feasible. If there is no existing Local Union which accepts the new bargaining unit then it may be issued a new Charter as a Local Union, upon proper application under this Constitution. Only in exceptional cases, and at the discretion of the National Executive Board will the application of a new bargaining unit for a new Local Union Charter be granted.
3. All Local Unions must establish and/or maintain By-Laws which are consistent with this Constitution. Local Unions must repeal, amend, or modify such By-Laws as may be inconsistent with this Constitution, on their own action, or at the direction of the National Executive Board.
4. Amendments to existing By-Laws, or new By-Laws must be submitted to the National Executive Board for approval. The amendments, or the new By-Laws are not effective until approved by the National Executive Board.
5. The By-Laws of each Local Union shall include or be deemed to include a provision that one of the objectives of the By-Laws and the Local Union is the regulation of labour relations and collective bargaining between employers and employees.
6. No Local Union nor any of its officers, agents, representatives or members has the authority to represent, act for, commit, or bind or incur any liability on behalf of the National Union in any matter except where the National Executive Board or the National President has given that authority in writing.
7. It is recognized that the law of certain jurisdictions may require the vesting of particular powers in a Local Union in order that it may function as a Union. To the extent that it is necessary to comply with such laws, this constitution shall be read as vesting such powers in the Local Union.

### **B: LOCAL UNION OFFICERS**

1. Each Local Union will have at least four Executive Officers, of whom three shall be:
  - A Local Union President

- A Local Union Vice President
  - A Local Union Secretary Treasurer
2. In addition, the Local Union Executive Board shall include a Retired Worker Representative (if the Local Union has a Retiree Chapter).
  3. The Local Union Executive Board will consist of the Executive Officers set out above, as well as all other Officers or members-at-large specified in the Local Union's By-Laws, which shall reflect the gender and equity principles of the Union.
  4. The term of office for all elected Executive Officers of the Local Union shall be three years, unless the Local Union's By-Laws at the time of the Founding Convention provide for a lesser period.
  5. Each Local Union shall establish its own set of rules to govern the election of Officers, however, the rules must be consistent with the rules outlined in the Policy regarding Local Union Elections, made by the National Union, and the following provisions:
    - (a) Votes shall be conducted by secret ballot or another secure and confidential voting system.
    - (b) The election of a nominated candidate shall be by a majority of votes cast, unless the By-Laws of the Local Union stipulate otherwise.
    - (c) All elections must be supervised by a democratically elected Election Committee, or by another process approved by the Local Union membership or the President of the National Union.
    - (d) An appeal with respect to Local Union elections may be filed, and shall be governed pursuant to the Procedure Policy on Constitutional matters.
  6. A Local Union may provide in its By-Laws that a member must be in continuous good standing, for a period of no longer than one year, in order to be eligible to seek or hold office. The By-Laws of the Local Union may specify the conditions of membership in good standing, subject to Article 5.
  7. A Local Union may abolish an Executive Officer position, or consolidate such a position with another as long as those positions set out in paragraph one remain. Such a step may be taken solely on the grounds of the adverse financial position of the Local Union, and the decision to do so must be supported by a two thirds or more vote of the Local Union Executive Board.
  8. Where an Executive Officer loses his/her position due to a decision made pursuant to the paragraph above, no notice or compensation is required if the Officer has a job to return to pursuant to a contractual leave.
  9. An appeal of a decision made under Paragraph 5(d) above may be made to the National Executive Board only. No Court or Tribunal has jurisdiction over the

matter. The onus rests on the Local Union to demonstrate that its decision was based only on the adverse financial position of the Local Union.

10. An elected Local Union Executive Board member may be recalled by the members for failing to perform the duties of their office. A recall is initiated by a petition signed by 25% of the members that the Executive Board member represents. The petition must provide specific complaints against the Executive Board member and be submitted to the Recording Secretary of the Local Union. The Local Union shall notify the Executive Board member of the complaints and provide a copy of the petition.
11. The Local Union shall call a special recall meeting with a minimum of 7 days notice with the sole purpose of addressing the specific complaints identified in the petition. A quorum for a recall meeting shall be 50% of the members represented by the Executive Board member. A two thirds majority vote of those present shall be required to recall an elected Executive Board member.
12. An elected Executive Board member can face recall only once during her/her term of office.

### **C: RESPONSIBILITIES OF LOCAL UNION OFFICERS**

1. In this Article the terms President, Vice President, Secretary Treasurer refer to Local Union Executive Officers.
2. The responsibilities of Local Unions and their Executive Officers, in addition to those set forth in this Constitution, and in their respective Local Union By-Laws shall include:
  - The pursuit of the objectives set out in this Constitution.
  - The implementation of all Union programs and policies.
  - Active participation in political affairs and legislative processes at all levels.
  - Support of the participation of Local Union Executive Officers, Committeepersons, Steward and members in educational programs, courses and training.
  - The protection of the Local Union's assets, funds and other property.
3. Local Union Executive Board Officers and all workplace representatives are required to take a week long, 40-hour Human Rights Training Course. The National Union will develop a plan for delivery of this course in concert with Local Unions.
4. To conduct the affairs of the Local Union and in keeping with the Union's objectives, the President, Vice-President or Secretary Treasurer has the authority to sign, administer and enforce any commercial contract between the Local Union and another party. This does not apply to collective bargaining.

5. The President is the principal spokesperson and leader of the Local Union. He or she works to protect and advance the interests of the Local Union. He or she coordinates the efforts of the Local Union Executive Board and membership to achieve the objectives of the Union.
6. The President will chair all Local Union meetings, enforce the Constitution and appoint committees not otherwise provided for. The President will sign all requisitions for expenditures authorized by the Local Union and countersign all cheques issued by the Secretary Treasurer. The President will be an ex-officio member of all committees with the exception of the election committee.
7. The President will appoint a person who will act as the Local Union's organizing liaison. The Organizing liaison's duties will be to coordinate the Local's organizing activities, to work with the National Organizing Department and to report on organizing initiatives and issues to the President, the Local Executive and the Local membership.
8. The Vice-President(s) will assist the President in his/her duties and attend all Local Union meetings. If the President is absent or incapacitated, the Officer identified in the Local Union's By-Laws as the interim replacement of the President or the Vice-President will perform the President's duties. Where there is more than one Vice-President, the Local Union will determine which one will assume the duties.
9. The Recording Secretary or Secretary Treasurer will keep a correct record of the Local Union proceedings and sign all requisitions for funds that have been authorized by the Local Union. He/she will read all documents and handle correspondence that does not pertain directly to another officer's duties. He/she will file documents and correspondence for future reference. The Secretary Treasurer or Recording Secretary will bring any correspondence requiring action to the members' attention.
10. The Secretary Treasurer will write and sign all cheques. He/she will report in writing to the Local Union's regular meeting. The report will include amounts received and spent since the last report, listed by kind of income and expenditure, as well as the amounts remaining in the Local Union's funds.
11. The Secretary Treasurer will deposit all Local Union income and money in the accounts set up in the name and number of the Local Union in banks, credit unions or trust companies as the Local Union Executive Board directs.
12. The Secretary Treasurer will make available to each member a copy of the National Constitution and Local Union By-Laws.
13. The Secretary Treasurer will keep an inventory of all Local Union records and property. When possible, he/she will include the date of purchase and amount paid for each article. He/she will notify members in arrears of the amount of their debt. When asked, the Secretary Treasurer will turn over the books to the person assigned to audit the financial books and records of the Local Union, for audit and approval.

On demand of the Secretary Treasurer of the National Union, he/she will produce the books for examination and audit.

14. The Secretary Treasurer shall submit National Union dues to the Secretary Treasurer of the National Union by the last day of the month following collection. He/she shall also deliver, at the same time, a complete dues list, including the names of the persons who paid their dues, the relevant rate of pay, regularly scheduled hours worked, and any other information requested by the Secretary Treasurer of the National Union.
15. The Secretary Treasurer will give the Secretary Treasurer of the National Union, the names and addresses of all the Local Union officers. The Secretary Treasurer will notify the Secretary Treasurer of the National Union and keep a record of all members initiated, suspended, expelled, deceased, transferred in or out or reinstated. He/she will keep a complete record of all active members of the Local Union, including the date of initiation, the date and cause of suspension or expulsion, the date of reinstatement, the date of death, home address and any other information needed to keep a record of the history of a person's membership.
16. The Secretary Treasurer shall record all financial transactions in the books of the Local Union.
17. All Local Union Officers will deliver all Local Union files, records, and papers to his/her successor.
18. The responsibilities of the Recording Secretary and Financial Secretary may be combined in the single position of Secretary Treasurer.
19. All vacancies in Local Union offices must be filled promptly by election, unless Local Union By-Laws stipulate other means for a timely filling of the vacancy until the term is completed.

#### **D: LOCAL UNION COMMITTEES**

1. A Local Union should establish the following Standing Committees:
  - Constitution and By-Laws
  - Education
  - Environment
  - Recreation
  - Community Services
  - Human Rights
  - Lesbian, Gay, Bisexual and Transgender Workers (LGBT)
  - Aboriginal and Racialized Workers
  - Workers with Disabilities
  - Union in Politics

- Women's
  - Young Workers
  - Health and Safety
2. A Local Union may decide to consolidate Committees or establish additional Committees.
  3. Local Union Standing Committee members may be elected or appointed by the Local Union Executive Board.

## **E: WORKPLACE REPRESENTATIVES**

1. All workplace representatives shall be actively involved in the issue-based campaigns, educational programs and community initiatives of the union.
2. All Committee persons, Stewards and other workplace representatives shall serve terms of the same duration as their Local Union Executive Officers. In the case of newly organized workplaces, however, the first term of office will be for two years.
3. A Local Union Executive Officer may also serve as a workplace representative.
4. An elected workplace representative may be recalled by the members he/she represents for failing to perform the duties of the office.
5. Members he/she represents will sign a petition listing the specific complaints against the representative and file it with the Local Union. The Local Union will notify the representative of the specific complaints and will give due notice to the represented members of a special meeting for recall. A two-thirds vote of the members present at the special meeting is required to recall.
6. Each Local Union will set out in its By-Laws the number of petitioners required for a recall and the quorum needed to hold a recall meeting.
7. An elected workplace representative can face recall only once during her/his term of office.

## **F: MEETINGS**

1. Each single unit Local Union and each unit of an amalgamated Local Union must hold a regular general meeting of its members at least once a month unless their respective By-Laws provide for a general membership meeting at least once every three months.
2. When the geographic jurisdiction of a Local Union is such that the provision in Paragraph 1 is not practical, the Local Union may request a variation. Such a request must be accompanied by supporting reasons. Any National Executive Board

approval shall be in writing, with detail, and be included in the Local Union's By-Laws.

### **G: LOCAL UNION DUES**

1. Local Union dues shall be collected simultaneously with and in the same way as the dues payable to the National Union under Article 10 and Article 16. Local union dues are in addition to national dues of 0.735% and Regional Council and Quebec Council dues of 0.0135%.
2. Local Union dues shall be fixed at a minimum of the level in place at the time of the Founding Convention. After the Founding Convention, by a majority vote of the members, a Local Union may set Local Union dues higher or lower, however Local Union dues cannot be reduced to lower than 0.6015% of regular wages.
3. An initiation fee may only be charged against new members entering an existing bargaining unit, or when and where the law requires such an initiation fee be paid.
4. Local Unions shall establish such Funds and accounts as necessary and shall ensure that a portion of revenue is allocated to participate in National Union programs.
5. The Local Union Secretary Treasurer will receive all dues, initiation fees, and other income, and shall record all financial transactions.

### **H: AUDITS**

1. Local Unions shall submit their financial records for audit by Local Union Trustees quarterly, or have a professional Chartered Accountant audit their Local Union books annually.
2. A Local Union which chooses to perform quarterly Trustee audits shall provide to the Trustees all the necessary information they require to carry out the audit and fulfill their responsibility to protect the assets of the Local Union.
3. The Secretary Treasurer of the National Union will develop and make available to Local Unions a standard form which may be used to file quarterly Trustees Reports to the National Union.
4. Quarterly Trustees Reports must be submitted to the Secretary Treasurer of the National Union no later than three (3) months following the end of a Quarter or year end.
5. The Local Union may choose not to hold quarterly audits by Trustees if it has an audit of the Local Union's financial books performed annually by a professional Chartered Accountant. A Local Union which chooses to perform an annual professional audit shall provide a Financial Statement to the membership quarterly. An annual professional audit shall be the subject of a report to the regular

membership meeting following the completion of the audit, or reported to the membership by other means no later than 3 months following the year end.

6. A Local Union which chooses an annual professional audit shall submit the audit to the Secretary Treasurer of the National Union no later than 3 months following the year end.
7. If a Local Union has failed to provide Quarterly Trustee Reports or an annual professional audit, or if there are inaccuracies or discrepancies disclosed by the Trustee Reports or audit, the Secretary Treasurer, has the authority to assign a representative or Chartered Accountant to take charge of and audit all financial books, records and accounts of the Local Union.
8. If a National Union investigation or any audit indicates that any member, alone or with others, has received or spent Union funds improperly or otherwise had engaged in financial misconduct, the Secretary Treasurer will submit written details to the National Executive Board. These will include the exact nature of the alleged misconduct, the amount involved and when it happened.
9. The National Executive Board shall have the authority under Section M of this Article (Supervision of Local Unions and Subordinate Bodies) to take immediate action to suspend or remove Officers of the Local Union or to place the finances of the Local Union under supervision, or to take any other necessary actions under Article 18 (Charges). Any person suspended or removed from Office by the National Executive Board arising out of an audit or investigation shall have the right to appeal to the National Appeals Committee and the Public Review Board under Article 18 (Charges).
10. A Local Union Trustee(s) shall be elected by the Local Union membership for the same term of office as other Executive Officers.
11. A Local Union Trustee(s) has no signing authority.
12. A Local Union Trustee(s) shall act independently. No person shall impede or constrain the Trustee in the performance of his/her duties under this Article.

#### **I: ASSETS OF THE LOCAL UNION**

1. The assets, funds, and other property of a Local Union are the exclusive property of the Local Union.
2. Membership in a Local Union does not and shall not vest in any member, any right, title, or interest in the assets, funds or other property of the Local Union or National Union.
3. At all times, the Local Union shall ensure that its assets, funds and other property are used or spent in a manner that is consistent with the Objectives and Statement of Principles expressed in this Constitution. Expenditures shall be paid by cheques



issued by the Local Union on its account(s) bearing two signatures from those Officers authorized by their Local Union By-Laws to be such signatories, or in the event of no such provision, by the Local Union President and Local Union Secretary Treasurer.

4. When the assets, funds or other property of a Local Union become significantly disproportionate to the number of its members, as a result of layoffs, partial or full workplace closures, or other reasons, the National Executive Board shall ensure that the remaining assets, funds or other property of the Local Union are used to carry out the objectives of the Local Union, including, specifically, the representation of Local Union members, former members and retirees individually and collectively, with respect to their employment and/or post-employment interests.
5. No Local Union will loan assets, funds, or other property to any member.
6. All Local Union Officers, representative, committee persons, stewards, and other members possessing or having custody or control over the assets, funds or other property of the Local Union must turn over all such assets, funds or property within their custody, control or possession forthwith to their successors.
7. Any unit withdrawing from an Amalgamated Local Union and obtaining a separate Charter is entitled only to what remains in its own unit fund, if there was one, at the time of separation.

## **J: AMALGAMATED LOCAL UNIONS**

1. Any two or more bargaining units that are not part of an Amalgamated Local Union may apply to the National Executive Board to form an Amalgamated Local Union. This request must be approved by the members of the bargaining units involved at a general meeting called for that purpose. The National Executive Board shall take appropriate steps in response to the application, including the issuance of an Amalgamated Local Union Charter.
2. A newly organized bargaining unit may be added to an Amalgamated Local Union upon approval of the National Executive Board.

## **Joint Council**

3. Any two or more units of an Amalgamated Local Union may request in writing the National Executive Board to set up a Joint Council in their Local Union. If the National Executive Board approves the request, the Local Union will, without delay, set up a Joint Council. Members who are elected to the Joint Council will be elected by secret ballot using the procedures set out in this Constitution with respect to Local Union elections.
4. With respect to the Joint Council, members of the Local Union are guaranteed:

- (a) Proportional representation from each unit, based on the number of per capita taxes each unit pays to the Local Union. Each unit is entitled to at least two representatives to the Joint Council.
- (b) That they can decide, by a referendum vote, to appeal a Joint Council decision or action.
- (c) That each unit will be autonomous on matters that pertain exclusively to it. The general meeting of the members of a unit will be the highest authority for handling problems within the unit as long as they follow their Local Union By-Laws and this Constitution.
- (d) That a percentage of a unit's dues may be set aside in a fund for the unit's exclusive use.

### **Withdrawal of a Unit from a Local Union**

- 5. A bargaining unit may seek to withdraw from an Amalgamated Local Union. The bargaining unit must advise the Local Union Executive Board of its intention to withdraw and provide the Local Union Executive Board an opportunity to address its concerns, including at the Special Meeting of the unit described below for the purpose of withdrawing.
- 6. To do so the issue may be raised in a regular meeting of the unit. If a majority of those in attendance vote to approve the withdrawal, then a date for a Special Meeting of the unit will be fixed.
- 7. At least fourteen (14) day's notice of the time, place and purpose of the Special Meeting shall be provided to members in the unit.
- 8. The vote to withdraw the unit from the Amalgamated Local Union must be by secret ballot, and requires two thirds of those voting to express support.
- 9. If the vote passes, then the unit shall deliver to the National Executive Board, a detailed statement setting out the reasons for withdrawing from the Local Union.
- 10. If the National Executive Board is satisfied the unit has just cause for withdrawal, and that it will not adversely affect the Local Union or the unit, the National Executive Board will direct a referendum vote of the unit members.
- 11. The unit members will receive at least fourteen days notice of the time, place and purpose of the referendum vote.
- 12. If two thirds of those voting vote in favour of withdrawal, the National Executive Board will issue the unit a separate Charter or assign the unit to another Local Union.

## **K: COMMUNITY CHAPTERS**

1. Unifor understands that strong Local Unions are rooted in strong communities. We can help build strong communities and enhance our collective strength in the struggle for social and economic justice by opening our Union to workers who currently have no access to union membership, because they have no collective agreement, or job, or hold temporary contract or other precarious employment. This effort will support our drive to build new bargaining units and strengthen the heart of the Union.

### **Local Union By-Laws**

2. A Local Union may open its membership by amending its By-Laws to establish a Community Chapter.
3. By-Laws establishing a Community Chapter shall express the objectives of the Community Chapter and define the membership to be included in the Local Union through the Community Chapter. The By-Laws shall also specify:
  - The right of members in Community Chapters to participate in the activities of the Local Union.
  - The rights and limits of members in Community Chapters to voice and/or vote in Union affairs and structures.
  - The services the Local Union expects to provide members in Community Chapters.
4. The Local Union shall submit its amended By-Laws to the National Executive Board for approval.

### **Community Chapter By-Laws**

5. Community Chapter By-Laws shall be submitted to the Local Union for approval. Among other provisions they shall specify:
  - The composition of the executive of the Community Chapter.
  - Election procedures and the criteria for determining members in good standing to seek nominations.
  - The regularity of membership meetings.
6. Members joining the Union through a Community Chapter shall attend meetings of their Chapters with full voice and vote.
7. Members in Community Chapters in good standing can seek election to the executive of the Community Chapter.

8. Members in Community Chapters will not vote on any matters related to the negotiation and administration of collective agreements.
9. Members in Community Chapters shall make a commitment to union membership for one year, at a minimum, and shall agree to pay the requisite dues.
10. The level of dues and the schedule of payments for members in Community Chapters shall be established by the National Executive Board and shall include both a waged and non-waged provision.
11. Dues from members in Community Chapters shall be collected through a centralized electronic infrastructure operated by the National Union. The dues will be remitted to the Local Union to further the purposes of the Community Chapter. Upon approval of the National Executive Board a Local Union can establish its own dues collection system.

## **L: MERGER OF LOCAL UNIONS**

1. Unifor encourages the mergers of Local Unions to create stronger Local Unions. Two or more Local Unions, upon the majority support of their respective membership, may jointly apply to the National Executive Board to merge.
2. If such a merger occurs, then each former applicant Local Union shall be entitled to maintain the same delegate representation at the next Convention and at Canadian Council, Quebec Council or Regional Council for the period until the next Convention.
3. The supplementary delegate representation must be comprised of elected members of the former applicant Local Unions on a per capita basis.
4. The total votes to be cast by the newly merged Local Union, including the supplementary delegates, shall not be greater than the combined membership of the merged Local Union.

## **M: SUPERVISION OF LOCAL UNIONS AND SUBORDINATE BODIES**

1. The National Executive Board on its own motion or at the request of a Local Union or subordinate body may supervise, reorganize or disband a Local Union or other subordinate body, in the whole or in part, suspend their Officers or take back their Charter notably under these conditions:
  - To prevent or correct corruption.
  - To fulfill the union's duties under a collective agreement or as a bargaining agent.
  - To restore democracy.
  - To make sure the legitimate goals of the Union are carried out.

- To protect the rights or well being of members.
2. Except in cases of emergency such as where the health or safety of a person is endangered or a significant loss of money or property is imminent, the National Executive Board must conduct a hearing with representation from the Local Union or subordinate body affected in order to take action under this subsection. In cases of emergency as above, the National Executive Board need not conduct a hearing. In all cases, the National Executive Board shall confer, and two thirds of the National Executive Board must agree with respect to the action to be taken.
  3. The National Executive Board will designate a full-time National Officer, Regional or Area Director, or National Representative to be the administrator with complete authority over the Local Union or subordinate body. He/she may suspend local officers and may use staff to help supervise local affairs.
  4. Where officers are suspended, new elections will take place as soon as possible and no later than 180 days after the suspension. If circumstances require it, the National Executive Board may extend the period for no more than 120 additional days. The administrator is responsible for conducting the election. After the election, the Local Union or subordinate body will regain its autonomy.
  5. If an officer is removed or suspended by action under this Article, the National Executive Board may impose conditions on the eligibility of the Officer to seek election. These conditions may be appealed to the National Executive Board under Article 18.
  6. The administrator designated by the National Executive Board shall provide regular reports to the Board as directed.

## **N: LOCAL UNION AND SUBORDINATE BODY CHARTERS**

1. Forthwith upon the founding of Unifor, and the ratification of the Merger Agreements between this National Union and its predecessors, the CAW-Canada and the CEP, the National Executive Board shall have the authority, on behalf of this National Union, to issue a Charter to all predecessor CAW-Canada and CEP Local Unions or subordinate bodies, granting them and/or confirming their successor status as a Local Union or subordinate body respectively of the National Union.
2. The successor Local Unions or subordinate body shall have all of the rights, privileges and duties of the respective CAW-Canada or CEP Local Union or subordinate body to which it has succeeded.
3. An Application for a Local Union or subordinate body charter may be made to the Secretary Treasurer. A charter shall be granted by the approval of the National Executive Board.
4. Unless otherwise required legally, and subject to the discretion of the National Executive Board, a Local Union Charter will read as follows:

**“Charter”**

Unifor, established for the purpose of organizing and representing workers in Canada, grants to \_\_\_\_\_, and to their successors, this Charter for the establishment and future maintenance and administration of a Local Union at \_\_\_\_\_, (Province) to be known as Local Union number \_\_\_\_\_.

The conditions of this Charter are:

That this Local Union under all circumstances shall be subordinate to and comply with the requirements of the Constitution, By-Laws, and policies of Unifor, as they may from time to time be altered or amended; that this Local Union shall for all time be guided and controlled by all acts and decisions of the National Union, as they may from time to time be enacted; that this Local Union shall take advantage of any powers, privileges or rights conferred under the law as they may exist at any time, though such actions shall not prevent the National Union from recalling, amending, changing or abolishing any such powers, privileges or rights. As long as the Local Union adheres to these conditions, this Charter is to remain in full force; but with any infraction, the National Union may revoke this Charter, annulling all privileges, powers, or rights conferred under it.

5. Unless otherwise required legally, and subject to the discretion of the National Executive Board, a Subordinate Body or Community Charter will read as follows:

**“Charter” to Subordinate Body or to Community Chapter**

Unifor grants to \_\_\_\_\_ and to their successors, this Charter for the establishment and future maintenance and administration of a subordinate body at \_\_\_\_\_ (Province) to be known as \_\_\_\_\_. The conditions of this Charter are: that this subordinate body, under all circumstances shall be subordinate to and comply with the requirements of the Constitution, By-Laws and policies of Unifor, as they may from time to time be altered or amended; that this subordinate body shall for all time be guided and controlled by all acts and decisions of the National Union as they may from time to time be enacted; that this subordinate body shall take advantage of any powers, privileges, or rights conferred under the law as they may exist at any time, though such actions shall not prevent the National Union from recalling, amending, changing or abolishing any such powers, privileges or rights. As long as the subordinate body adheres to these conditions, this Charter is to remain in full force; but with any infraction, the National Union may revoke this Charter annulling all privileges, powers, or rights conferred under it.

We have signed as witnesses on behalf of Unifor this \_\_\_\_\_ day of 20\_\_\_\_, on behalf of the National Executive Board.

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary Treasurer

## **ARTICLE 16: NATIONAL DUES**

1. Trade Unions in Canada play a unique and exceptional role in the progress towards social justice. Only trade unions are self-funding working class organizations which express the interests and hopes of working people and their families. Our work and struggle require resources; dues payments create the resources we need to move forward.
2. National Union dues shall be 0.735% of a worker's regular wages with respect to regularly scheduled hours.
3. Regular wages include but are not limited to vacation pay, holiday pay, jury duty pay, full paid leave compensation, paid absence allowance compensation, cost of living allowance, supplementary unemployment benefits, or an equivalent lay-off benefit. Regular wages does not include overtime, shift, Saturday, Sunday and holiday premiums, Workers Compensation benefits, relocation, termination or severance pay, pension, supplemental parental or maternity benefits.
4. Local Unions shall take all available steps to amend their respective collective agreements to insure that the agreements are forthwith consistent with this Article. All dues are payable during the current month to the Financial Secretary of the Local Union or other subordinate body. Dues shall be collected by check-off (employer deduction from compensation) or by a method approved by the National Executive Board.
5. National Union dues shall be submitted to the National Union by the last day of the month following collection. Each Local Union or subordinate body shall also deliver, at the same time, a complete dues list including the names of the persons who paid their dues, and the relevant rate of pay, hours worked and any other information requested by the Secretary Treasurer.
6. A Local Union which has not remitted national dues to the National Union and which is 60 days or more in arrears shall be suspended from participation in National Union events and programs. A penalty of 5% of the dues owing, plus 1% per month for each additional month of arrears, shall be applied. The National Secretary Treasurer may grant an exemption to these penalties, and shall report this exemption to the National Executive Board.
7. The intentional preparation of a false report of membership, or a refusal to submit National dues as required by this Article shall be a violation of responsibilities under this Constitution.
8. All Local Unions and other subordinate bodies shall ensure that their respective dues formula is applied as a percentage of regular wages which the Local Union or other subordinate body decides is appropriate and reflects local circumstances (including the proportion of part-time members in the Local, or subordinate body, the degree of Local servicing required, etc.)

9. Former CAW-Canada members shall continue to pay Local dues according to the formula expressed under the former CAW-Canada Constitution, or according to the formula in place as of the founding of the National Union, until measures are taken to implement the dues formula expressed as a percentage in this Article.
10. Workers on strike or locked out are exempt from any dues payment.
11. Workers who are unable to work and are not receiving regular wages are exempt from any dues payment during the period of their inability to work.
12. Where Local Unions have joined the National Union Skilled Trades Council and have negotiated a Skilled Trades per capita dues provision, a member working in a Skilled Trades classification shall pay annual dues equivalent to one half hour regular wages to the National Union Skilled Trades Council.
13. At the request of a Local Union, bargaining unit or other subordinate body, the National Executive Board may make special arrangements about the payment of dues.
14. Members in Community Chapters shall pay per capita dues as approved or established by the National Executive Board.
15. The National Union shall direct the monies received as its share of dues to the following funds in the shares set out below:
  - General Fund: 75%
  - Defence/Strike Fund: 10%
  - Organizing Fund: 10%
  - Education Fund: 3.75%
  - Convention Fund: 1.25%
16. The National Union and each Local Union or other subordinate body each hold title to their respective share of dues and initiation fees as soon as they are received by the Local Union or other subordinate body. The Local Union or other subordinate body shall not use any part of the monies due to the National Union without the permission of the National Executive Board.
17. In addition to National Union dues, a per capita levy of 0.0135% of every worker's regular wages is payable on a monthly basis, and shall be remitted by every Local Union to the National Union by the last day of the month following collection of National Union dues. The National Union shall distribute to the Regional Councils or the Quebec Council, the appropriate share of these funds.
18. With respect to newly organized bargaining units dues payment are not mandatory until a first collective agreement is ratified.



## **ARTICLE 17: COLLECTIVE BARGAINING**

### **A: BARGAINING AUTHORITY AND RATIFICATION**

1. All collective bargaining shall be supervised and coordinated by the President. The Secretary Treasurer, Quebec Director, Regional Directors, Assistants to the National Officers, Department Directors and a National Representative shall act as assigned by the President to assist Bargaining Committees and ensure that the bargaining policies and strategies adopted by the National Union are implemented.
2. Collective bargaining shall be conducted with the participation of a bargaining committee elected by the Local Union or bargaining unit. Local Unions and bargaining committees shall be kept informed of all bargaining.
3. The process for election of local bargaining committees shall be fair and representative.
4. If an election of a Local Union bargaining committee is not practical, the President may approve the appointment of a committee.

### **Group Bargaining**

5. Where a number of locals or bargaining units are involved in a bargaining group, rules and ratification procedures shall be determined in advance and approved by the membership of the Local Unions or bargaining units (or their respective delegates) or by another process approved by the National Executive Board. Upon adoption of these rules, the Local Unions and/or bargaining units are bound by the rules until the end of the bargaining round or until released from their commitments by the bargaining group.
6. When group bargaining has commenced and rules are absent or fail to address substantive issues, the President may amend or impose rules as necessary until the completion of the bargaining process. After the completion of the bargaining process, the rules will be referred to the bargaining group for adoption.
7. Where group or coordinated bargaining involves rules, procedures or relationships with other unions, the President shall review and approve these arrangements prior to approval by Local Unions or bargaining units.

### **Corporation Bargaining Councils**

8. Where a number of Local Unions are involved in collective bargaining with a major corporation or group of corporations, the President may recommend to the National Executive Board the creation of a Corporation Bargaining Council. The Corporation Bargaining Council shall be an administrative arm of the National Union. The Local Unions involved will be members of the Council and participate through elected delegates.

9. The purpose of a Corporation Bargaining Council is to coordinate the demands of the separate members and to formulate policies to deal with their common employer. It will meet to formulate new contract demands no later than 30 days before the opening of negotiations. A Corporation Bargaining Council will deal only with matters and policies concerning its immediate corporation.
10. Voting at Corporation Bargaining Council meetings shall be on a per capita basis according to dues paid to the National Union.

### **Ratification**

11. Any contract entered into through collective bargaining or otherwise concerning terms of conditions of employment shall be ratified by a secret ballot vote of members at a meeting called to ratify the agreement, or by another established process, or special process approved by the President, unless otherwise established or required by law.
12. Ratification shall be by a majority of those voting.
13. Any memorandum of agreement subject to a ratification vote shall be written and signed by representatives of the Local Union and the National Union.
14. A Local Union or bargaining unit may apply to the President of the National Union for a voting procedure to recognize the distinct interests of a defined group of members. Upon approval by the President, members of the defined group can vote in separate ratifications on matters which relate exclusively to their group and at the same time, vote also on common matters in the memorandum of agreement.
15. The President of the National Union may delay the ratification vote on a memorandum of agreement if it is deemed that the agreement would be harmful to bargaining strategy of a group or sector, or to the union as a whole.
16. Following ratification or amendment of a collective agreement, a copy of the signed memorandum of agreement and the new or revised collective agreement, including revised wages and classifications, shall be forwarded to the Secretary Treasurer by the National Representative who was engaged in the collective bargaining.

### **B: STRIKE AUTHORIZATION**

1. Strike action by a Local Union or Bargaining Unit or by a group of Local Unions and Bargaining Units must have prior strike authorization by the President.
2. Strike authorization by the President shall require a legal strike vote within the appropriate jurisdiction conducted by secret ballot or another secure, confidential voting system.

3. Where more than one bargaining unit is engaged in joint bargaining the procedure established for determining strike vote results shall be approved by the National Executive Board where it is not determined by law.
4. All Local Union members, or unit members and all affected bargaining unit employees, as provided by law, shall receive reasonable notice of the vote.
5. Strike authorization by the President shall be governed by the Strike and Defence Fund Policy adopted by the National Executive Board. No strike action shall take place until strike authorization has been granted by the President, and until strike authorization is subsequently released to the Local Union by the Quebec Director, Regional Director or National Representative assigned.
6. With National Executive Board approval, the President may revoke the Charter of any Local Union engaging in an unauthorized strike action. This action will cancel all privileges, powers and rights of such Local Union.

### **C: STRIKE AND DEFENCE FUND**

1. A Strike and Defence Fund shall be established by the National Executive Board and 10% of all National Union dues shall be deposited into the Fund.
2. The purpose of the Strike and Defence Fund is to support members engaged in an authorized strike or a lock out, and to fund campaigns to defend the membership and the National Union.
3. The Fund shall be governed and managed according to the Strike and Defence Policy adopted by the National Executive Board.
4. The Strike and Defence Fund shall pay benefits of \$250.00 for each week of an authorized strike or lockout, prorated by day, including the first week, and additional medical, health or special assistance as provided for in the Strike and Defence Policy and criteria established by the National Executive Board.
5. Benefits will cease on the later of seven (7) days following ratification of the collective agreement, or seven (7) days following the Local Union or bargaining unit's return to work date, not to exceed twenty-eight (28) days following the ratification date.
6. The Canadian Council, by a two-thirds vote cast on a per capita basis, may amend Article 16 of this Constitution if it is determined that extraordinary dues are required to strengthen the Strike and Defence Fund.
7. All of the foregoing article shall apply in all jurisdictions except where the applicable labour relations statute requires a different procedure or process, in which case that statute shall be applied.

## **ARTICLE 18: CONSTITUTIONAL MATTERS**

### **A: PUBLIC REVIEW BOARD**

1. Unifor shall have an independent, final, external Review Board known as the Public Review Board. The purpose of the Public Review Board is to ensure fairness and democratic practice for all union members and to safeguard the moral and ethical standards set out in the Constitution and the Code of Ethics.
2. The National Executive Board shall establish a Public Review Board to serve as an independent and final body for Reviews of Decisions and for violations of the Constitution, including the Code of Ethics.
3. The Public Review Board shall have five members from across Canada appointed by the National Executive Board. Each member appointed to the Public Review Board shall serve a 3 year term commencing with the first regular National Executive Board meeting following convention. The National Executive Board will make an appointment to fill a vacancy on the Public Review Board from a list of names provided by the remaining members of the Public Review Board for a term extending until the first regular National Executive Board meeting following convention. Following retirement or replacement of the current members of the Board no member of the Public Review Board shall serve more than two consecutive three year terms.
4. The National Executive Board shall appoint a Chairperson of the Public Review Board from among its members. The Chairperson shall preside over meetings of the Public Review Board, act as spokesperson for the Public Review Board and administer the work of the Public Review Board.
5. The Public Review Board shall develop its own procedures which shall be made available to members of the National Union. To expedite cases, the Chair may establish panels of not less than three members. A panel will have the authority of the full Board. The Public Review Board shall respect and adhere to all time limits set out in this Constitution, and provide bilingual services on request in French and English.
6. The Public Review Board shall not consider any decision made by the Convention, Regional or Quebec Councils, or Canadian Council, nor shall it consider any matter related to the collective bargaining strategy or policy of the Union. It shall not consider any matters related to the application or administration of a collective agreement unless unreasonableness or collusion is established.
7. All budgeted expenses of the Public Review Board shall be borne by the National Union and approved by the National Executive Board.
8. The Public Review Board shall provide a report of its activities and an audited statement of its expenses to each convention.

9. The Public Review Board will overturn a decision only when the lower body acted unreasonably.

## **B: REVIEW OF DECISION**

1. A member has the right to request a Review of Decision by a deciding authority arising from any action or decision which they believe did not have fair and reasonable consideration or lacks a rational basis, and which results in an injury or penalty to them.
2. A Committee on Constitutional Matters (the Committee) established in the Office of the President shall receive and process requests for Reviews of Decisions under this Article and report to the National Executive Board. The National Executive Board shall approve a *Procedure Policy on Constitutional Matters* which shall determine time limits and procedural requirements to govern the implementation of this Article.
3. No request for review shall be considered under this Article if a resort to a labour board, court, civil authority or other external body has been commenced prior to exhausting the constitutional procedures and remedies in this Constitution.
4. If the members of a Local Union have an alternate review or appeal mechanism approved by the National Executive Board the procedures in this Article do not apply.
5. A decision to ratify a collective agreement or provision of a collective agreement concerning terms and conditions of employment, or a bargaining strategy which has been approved by the membership of a bargaining unit or local union shall not be subject to review, unless otherwise provided for in this Constitution.
6. Only the President shall interpret the meaning of any contract or collective bargaining agreement and any such interpretation shall not be subject to review.
7. A request for a Review of Decision must be signed, specific in describing the decision or action to be reviewed, including the grounds for review and the remedy sought. All requests for review shall adhere to the time limits and other procedures set out in the *Procedure Policy on Constitutional Matters*.
8. A request for a Review of Decision shall be submitted in writing to the local union or the body to which the deciding authority is accountable within 30 days of the decision, or knowledge of the decision. The Local Union or accountable body shall consider the request at its next regular meeting.
9. Within 30 days of a review by a Local Union or accountable body the member may inform the Office of the President – Committee on Constitutional Matters in writing of their request for a further review. A full record of the matter shall be forwarded to the Committee, including all relevant information that may be requested.

10. The Committee shall consider the request and determine that it is timely and admissible in all respects, investigate the issues and determine if a hearing is required, or if written submissions shall be received.
11. The Committee shall render a decision in writing which may:
  - Uphold the decision or action of the Local Union or accountable body.
  - Refer the matter back to the Local Union or accountable body for reconsideration based on all of the facts and information that are known.
  - Give instructions to change the decision.
12. The Committee will provide a report to each meeting of the National Executive Board, including copies of all decisions.
13. Within 30 days of a decision by the Committee or the National Executive Board, a member may inform the Office of the President in writing of their request for a further and final review by the Public Review Board. The Committee will forward the full record of the matter to the Public Review Board and to the member.
14. The Public Review Board shall review the full record of the matter provided and determine if the decision of the Committee or the National Executive Board was reasonable.
15. The Public Review Board may request further submissions concerning the full record or determine that a hearing is required.
16. The Public Review Board shall within 120 days of receiving the full record render a decision in writing which may:
  - Uphold the decision or action of the Committee or the National Executive Board.
  - If the decision is found to be unreasonable, refer the matter back to a lower body with instructions, or substitute another decision which is appropriate in all the circumstances.

## **C: CHARGES**

1. A member in good standing, a group of members, Local Union or subordinate body may file a charge if they have reasonable cause to believe that another member has violated the procedures and responsibilities established by this Constitution or the Code of Ethics which forms part of this Constitution.
2. No charge shall be considered under this Article if a resort to a court, civil authority or other external body has been commenced prior to exhausting the constitutional procedures and remedies in this Constitution.
3. Any alleged act of personal conduct which constitutes harassment as defined by the National Union Anti-Harassment Policy shall be subject to investigation and

resolution as established by the Policy and shall not be the basis of a charge under this Article.

4. A charge must be filed within 30 days of a violation of the Constitution or knowledge of a violation. Only the President can relieve this time limit. It shall be in writing, signed and specific about the alleged violation and the Article/part of the Constitution or Code of Ethics. Charges shall adhere to the procedures set out in the Procedure Policy on Constitution Matters of the National Executive Board.
5. The charge shall be submitted first to the Local Union Executive Board of the person accused which shall make a determination if the charge is proper. If the charge is timely and apparently raises a violation then it and the full record of the charge shall be forwarded to the Office of the President. If the charge is determined not to be timely, or if it is decided that it fails to raise an apparent case of a violation, then the person(s) laying the charge shall be so informed and he/she may forward the charge to the Office of the President. The Office of the President shall determine if the determinations of the Local Union below are correct, and if so, dismiss the matter.
6. Alternatively the Office of the President shall investigate the charge and determine if a hearing is required. In any event, the accused shall have the right to a hearing if requested. If a hearing is convened, the accused shall have the right to be assisted by an advocate, at the cost of the accused.
7. The Office of the President shall render a decision in writing which may:
  - Dismiss the charge.
  - Find that the charge is warranted and reprimand a member or representative, and, if necessary, order specific remedies considered fair and reasonable in the circumstances.
  - Suspend or expel a member.
  - Suspend or remove from office an elected representative from any position within a Local Union, subordinate body or council of the union.
8. Within 30 days of a decision by the Office of the President, the person(s) laying the charge or the accused may inform the Office of the President in writing of their request to appeal the matter to the National Executive Board which shall consider the appeal based on the record provided by the Office of the President at the next regular meeting after the filing of the notice of appeal.
9. The National Executive Board shall establish a “National Appeals Committee” which shall hear and decide appeals of decisions of the Office of the President and recommend a decision to the National Executive Board.
10. Upon receiving the recommendation of the National Appeals Committee, the National Executive Board shall render a decision in writing which may:

- Uphold the decision of the Office of the President.
  - Overturn the decision of the Office of the President if it is unreasonable, and substitute a decision that is appropriate in all the circumstances.
11. Within 30 days of a decision by the National Executive Board, a person laying the charge or the accused may inform the Office of the President in writing of their request to appeal the matter to the Public Review Board.
  12. The Public Review Board shall review the full record of the charge. The Public Review Board shall not consider any new information or allegations which were not provided to the National Appeals Committee.
  13. Within 120 days, the Public Review Board shall render a decision in writing which may:
    - Uphold the decision of the National Executive Board.
    - Overturn the decision if it is unreasonable, and substitute a decision that is appropriate in all the circumstances including a direction that the matter be reheard by a lower body.

#### **D: CHARGES AGAINST A MEMBER OF THE NATIONAL EXECUTIVE BOARD**

1. A charge against a National Officer, Regional Director or other member of the National Executive Board may be filed if it is believed with reasonable cause that a violation of responsibilities in this Constitution, or a violation of the Code of Ethics has taken place. The charge must be filed within 30 days of the alleged violation of the Constitution or knowledge of the violation, and must be in writing, signed and specific about the alleged violation and the Article/part of the Constitution or Code of Ethics.
2. A charge against a National Officer, Regional Director or other member of the National Executive Board may be filed by any 5 members of the National Executive Board.
3. A charge against the President, Secretary Treasurer or member of the National Executive Board may be filed by 11 or more Local Unions.
4. A charge against the Quebec Director, Regional Director, Chairperson of the Quebec Council or Chairperson of a Regional Council may be filed by five or more Local Unions within the area of responsibility of the Director or Chairperson.
5. The charge shall be heard by the National Executive Board at the first regular meeting of the National Executive Board following the filing of the charge. The National Executive Board shall determine the admissibility of the charge and allow the accusers and the accused to fully present information and arguments concerning the charge. If the President is charged, the Secretary Treasurer shall preside while the charge is heard. After all information and arguments are heard, the National



Executive Board shall exclude the accused and persons laying the charge while it renders a decision on the charge.

6. The National Executive Board shall render a decision in writing which may:
  - Dismiss the charge.
  - Refer the charge to the Public Review Board for further consideration of ethical practices and the Code of Ethics.
  - Reprimand the National Officer, Regional Director or other member of the National Executive Board.
  - By a two thirds vote, suspend or remove a National Officer, Regional Director or other member of the National Executive Board from office.
  - By a two thirds vote, expel the National Officer, Regional Director or other member of the National Executive Board from membership in the union.
7. If the National Executive Board has suspended or removed from office the President, Secretary Treasurer, Regional Director or other member of the National Executive Board, the accused may appeal the decision to the next meeting of the Canadian Council or convention, whichever is closer.
8. If the President or Secretary Treasurer are suspended or removed from office more than 120 days prior to a meeting of the Canadian Council or convention and the decision of the National Executive Board has been appealed, a special meeting of the Canadian Council shall be convened.
9. The Canadian Council or convention shall select an appeal committee of 13 members at random from its delegates which shall conduct a hearing into the charges and the decision of the National Executive Board. The appeal committee shall make a recommendation to the Canadian Council or convention to uphold or reject the decision of the National Executive Board.
10. If the National Executive Board has suspended or removed from office the Quebec Director or the Chairperson of the Quebec Council, the accused may appeal the decision to the next meeting of the Quebec Council.
11. If the Quebec Director has been suspended or removed from office and the decision of the National Executive Board has been appealed, a special meeting of the Quebec Council shall be convened.
12. The Quebec Council shall select an appeal committee of 13 members at random from its delegates which shall conduct a hearing into the charges and the decision of the National Executive Board. The appeal committee shall make a recommendation to the Quebec Council to uphold or reject the decision of the National Executive Board.

## **ARTICLE 19: AFFILIATIONS**

### **Canadian Labour Movement**

1. Unifor shall be affiliated to the Canadian Labour Congress and shall pay appropriate per capita on behalf of all members.
2. Suspension or disaffiliation from the Canadian Labour Congress may be authorized by the National Executive Board subject to the approval of Convention, or the Canadian Council.
3. The National Union may withdraw its support from a provincial or territorial Federation of Labour if recommended by the Quebec Council or appropriate Regional Council, subject to the approval of the National Executive Board.
4. The Canadian Council shall determine if all Local Unions shall affiliate to their respective Labour Councils chartered by the Canadian Labour Congress.
5. The Regional Councils shall determine if all Local Unions shall affiliate to their respective territorial or provincial Federation of Labour.
6. The Quebec Council shall determine if all Local Unions shall affiliate to the Quebec Federation of Labour and/or the Regional Councils of the Quebec Federation of Labour.
7. All Local Unions, who, at the time of the Founding Convention, are affiliated with local labour councils, Regional Councils affiliated to the Quebec Federation of Labour, provincial federations and the Quebec Federation of Labour shall continue their affiliation. Locals who are not affiliated are strongly encouraged to do so.

### **Global Labour Movement**

8. Affiliations to Global Union Federations or any international body shall be approved by the National Executive Board.

### **Other Affiliations**

9. Affiliations by the National Union to any Canadian organization, coalition or body shall be approved by the National Executive Board.
10. Affiliations to any organization or coalition within Quebec shall be approved by the Quebec Council.
11. Affiliations to any organization or coalition within a region shall be approved by the appropriate Regional Council.

## **ARTICLE 20: MERGER**

1. Where another union(s) seeks to merge with this Union and there will be no material change in the identity, or structure of this Union, as a result of the merger, then a majority of National Executive Board members have the authority to approve the merger. The National Executive Board shall have the authority to empower the National Officers to take all steps necessary to effect the merger and the provisions of paragraph 3 below shall not apply.
2. If the National Executive Board decides that a part of this Constitution cannot be applied with respect to a prior or newly merged Union or Bargaining Unit, it may dispense with the applicability of that part of the Constitution on terms it deems appropriate.
3. The National Officers of this Union may carry out the merger of this Union with any other union in Canada provided:
  - The National Executive Board approves such a merger.
  - The decision of the National Executive Board is presented to Convention or a special Convention and a majority of delegates voting on a per capita basis approve the merger.
  - Each Local Union and subordinate body is given reasonable notice of the terms of the merger prior to the meeting of Convention or a Special Convention called to approve the merger.
  - The Merger Agreement contains terms permitting established Local Unions to continue as entities in the successor union and effects the transfer of Local Union funds and property to these new entities.

## **ARTICLE 21: UNION'S REPRESENTATIVE AUTHORITY**

Unifor and/or Local Union, where required by law, to which the member belongs shall be his/her exclusive representative with respect to:

- Collective bargaining with an employer.
- Administering and enforcing the collective agreement binding the member.
- Acting for the member before a Tribunal or Court in any matter affecting his/her union membership, employment status, or relationship with an employer, or the union's status.
- Representing the member in settling all disputes connected to his/her employee – employer relationship.

## **ARTICLE 22: NATIONAL UNION BUILDING CORPORATION**

The real estate and property of Unifor shall be held and administered under a not for profit Building Corporation established and administered by the National Executive Board. The National Executive Board, as members of the not for profit Building Corporation shall decide how to maintain, administer, use, transfer or sell the real estate and property.

## **ARTICLE 23: LOCAL UNION AND SUBORDINATE BODY BUILDING CORPORATION**

A Local Union or subordinate body may organize or continue to maintain a not for profit Building Corporation to hold title to real property and real estate for the benefit of the membership of the Local Union. The not for profit Building corporation must be a membership corporation. The members of the Local Union Executive Board or executive of the subordinate body shall be the members of the not for profit Building Corporation.

## **ARTICLE 24: OATH OF OFFICE AND INSTALLATION CEREMONY**

The installation ceremony of the national officers, regional directors and members of the National Executive Board may be performed by the retiring President, Acting President or honorary delegate. At the Regional Councils or the Quebec Council, the installation ceremony may be performed by a national officer or the appropriate regional or Quebec director. At the Local Union level the ceremony may be performed by the outgoing Local Union President or National Representative.

The Installing Officer says:

“Give attention while I read to you the obligation:

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

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

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

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

Officers respond, "I do."

The Installing Officer then says:

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

"You will now assume your respective offices."

## **ARTICLE 25: SEVERABILITY**

If any provision of this Constitution is prohibited by law and therefore invalid, or found to be void or unenforceable, this does not invalidate any remaining provisions in this Constitution.

## **ARTICLE 26: OFFICIAL LANGUAGES**

English and French shall be the official languages of Unifor at convention and national conferences. The Constitution and other documents of the National Union shall be printed in both languages. Services to local unions from national headquarters shall be in the official language of their choice.