

BYLAWS



**Adopted at the Convention
October 18 - 20, 2013
Edmonton, Alberta**

Reprinted June 1, 2017

(i)

These Bylaws were first adopted at the Founding Convention of
CAW National Council 4000 at Port Elgin, Ontario
November 1 to November 3, 1997

These Bylaws were subsequently amended
during the following conventions:

Amended

Montreal, Quebec

March 30 - April 1, 2001

Amended

Toronto, Ontario

September 24 - 26, 2004

Amended

Montreal, Quebec

November 2 - 3, 2007

Amended

Halifax, Nova Scotia

October 1 - 3, 2010

Amended

Edmonton, Alberta

October 18 - 20, 2013

Reviewed

Winnipeg, Manitoba

November 25 - 26, 2016

INDEX

	PAGE
Preamble / Purposes	1
Article 1 - Name and Organization	
▪ Section 1: Name	2
▪ Section 2: Organization	2
▪ Section 3: Regions	3
▪ Section 4: National Council 4000 Executive Board	4
Article 2 - Elections	
▪ Section 1: General	5
▪ Section 2: National Election Committee	6
▪ Section 3: National Council 4000 Elections	7
▪ Section 4: Regional Local Elections	8
Article 3 - Duties of Officers, Committees and Staff	
▪ Section 1: General	9
▪ Section 2: National Council 4000 President	9
▪ Section 3: National Council 4000 Secretary Treasurer	11
▪ Section 4: Regional Representatives	12
▪ Section 5: Board of Trustees	13
▪ Section 6: Bargaining Committees	14
▪ Section 7: National Strike Coordinator	14
▪ Section 8: Vacating of Offices, Restrictions and Recall	16
Article 4 - Conventions and Meetings	
▪ Section 1: Conventions	17
▪ Section 2: Canadian, Regional and Quebec Councils	18
▪ Section 3: National Council 4000 Executive Board Meetings	18
▪ Section 4: Local Meetings	19
▪ Section 5: Ratification and Strike Vote Meetings	19
Article 5 - Collective Bargaining and Bargaining Committees	
▪ Section 1: General	20
▪ Section 2: National Bargaining Committees	21
▪ Section 3: Regional Bargaining Committees	22
Article 6 - Finances, Salaries, Expenses and Vacations	
▪ Section 1: General	22
▪ Section 2: Union Dues	23
▪ Section 3: Salaries and Benefits	24
▪ Section 4: Vacation	24
▪ Section 5: Expenses	25
Article 7 - Review of Decisions (Appeals)	
▪ Section 1: General	26
▪ Section 2: Appealing the disposition of a grievance	26
▪ Section 3: Appeals dealing with administrative matters	28

PREAMBLE

We, the members of Unifor National Council 4000, have joined together for the purposes of organizing and uniting workers so that through their combined strength, experience and wisdom, the quality of their working and living conditions will steadily improve. Unifor National Council 4000 is the resulting body evolved more than one hundred years after the unionization of Canadian workers. Our deeds and our words shall be guided, as they have been throughout our proud history, by the historic truth that freedoms are never granted, they are won; and justice is never given, it is extracted. To this end, our specific objectives are to:

- To establish, through the processes of collective bargaining, the highest possible wage standards, employment security, benefits, and improvements in the conditions of employment for the workers and their families united hereunder.
- To strive to ensure that the agreements we enter recognize that race, nationality, religion, age, sex, sexual orientation, marital status, political affiliation, physically challenged and matters relating to employment are prohibited grounds of discrimination.
- To strive to ensure that workers enjoy the safest of working conditions free of occupational and environmental hazards.
- To ensure workers receive fair and proper representation on an ongoing basis.

ARTICLE 1 - NAME AND ORGANIZATION

SECTION 1: NAME

1.1.01 This organization shall be known as Unifor National Council 4000, or Unifor Council 4000, of which will be comprised of five (5) chartered Regional Local Unions across Canada:

Local 4001 (Mountain Region)
Local 4002 (Prairie Region)
Local 4003 (Great Lakes Region)
Local 4004 (St. Lawrence Region)
Local 4005 (Atlantic Region)

SECTION 2: ORGANIZATION

1.2.01 The National Council will be the governing body and will function as a National Executive Board governing the functions of the National Council and Locals 4001 through 4005.

1.2.02 There will be a guaranteed minimum of two (2) full voting delegates on the National Council 4000 Executive Board from the bargaining units of CN and/or VIA Rail. If this is not achieved after the elections of the National Council President and Secretary Treasurer, then this minimum requirement will be attained by election from amongst the delegates at the National Council 4000 Convention. Should the number be increased after the Local President Elections, the delegates elected at the Convention will be reduced accordingly. (NOTE: To be referred as Vice-Presidents At-Large)

1.2.03 Each Regional Local Union will be comprised of a Local Union President, Vice President and Secretary Treasurer. Other positions may be established as deemed necessary by properly approved by-laws endorsed by the National Executive Board of Unifor.

1.2.04 Regional Locals will establish Local Units within their geographical jurisdiction as deemed necessary to properly service members in specific bargaining units, collective agreements, cities, towns or within geographical proximity. Units may include members of a single bargaining unit or multiple units and are to contain, at minimum, twenty (20) members or more separated geographically from the Local's office or as approved by the Local Bylaws. Where distances of one hundred (100) kilometres or more separate members from the Regional Local, a Unit Chairperson position may be established and subsequently elected.

1.2.05 Regional Locals will, by properly approved by-laws, ensure that Units within their geographical jurisdiction are properly serviced and have sufficient and reasonable funding to allow monthly Unit meetings and for the proper servicing and participation in the Union and labour movement as a whole.

1.2.06 Bargaining units include, but are not limited to:

Bay Ferries - *Yarmouth NS*;
Canadian National Railway Co. (CN) - *National*;
Canadian National Transportation Ltd. (CNTL) - *National*;

CN Savage Alberta Railway (CNSAR) – *Grande Cache & Grande Prairie AB*;
CHEP Canada – *Moncton NB*;
Cummins – *Dartmouth NS*;
DHL Express – *Dartmouth NS*;
Loblaw Companies/Atlantic Wholesalers (DC06) – *Moncton NB*;
Loblaw Companies/Atlantic Wholesalers (DC24) – *Moncton NB*;
Loomis Express NB – *Moncton, Grand Falls, Fredericton, Miramichi, St. John NB*
Loomis Express NS – *Dartmouth NS*;
Loomis Express – *Prince Edward Island*
Nova Scotia Federation of Labour (NSFL) – *Halifax, NS*;
Rocky Mountain Catering Co. – *Kamloops and Vancouver, BC*;
Securitas – *Edmundston, NB*
Toronto Terminals Railway (TTR) – *Toronto, Ontario*;
VIA Rail Canada (VIA) – *National*;
Wajax Equipment – *Dartmouth, NS*;
World Trade and Convention Center Halifax (WTCC) – *Halifax, NS*

This Section will include any other bargaining units that may be organized and certified between the printings of these bylaws.

- 1.2.07 National Council 4000 will reimburse Regional Locals fifty percent (50%) of the affiliation fees paid to the Federations of Labour and Labour Councils.

SECTION 3: REGIONS

- 1.2.07 National Council 4000's five (5) Regional Local Unions will service members regionally across Canada, as follows:

Local 4001 – Mountain Region

Shall be comprised of members based in British Columbia, Alberta, Western Saskatchewan (Biggar and points west thereof), Yukon and the Northwest Territories

Local 4002 – Prairie Region

Shall be comprised of members based in Saskatchewan (with the exception of Biggar and points west thereof), Manitoba, Northwestern Ontario (including Thunder Bay and points west thereof) and Nunavut

Local 4003 – Great Lakes Region

Shall be comprised of members based in Ontario (with the exception of Thunder Bay and points west thereof and the City of Ottawa)

Local 4004 – St. Lawrence Region

Shall be comprised of members based in Quebec (including the City of Ottawa)

Local 4005 – Atlantic Region

Shall be comprised of members based in New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland and Labrador

SECTION 4: NATIONAL COUNCIL 4000 EXECUTIVE BOARD

1.4.01

- a.) The Executive Board of National Council 4000 shall be comprised of the National Council President, National Council Secretary Treasurer and the Local Presidents of the five (5) Regional Local Unions. These executive officers shall be elected in accordance with Article 2 and applicable provisions of Section 3 and Section 5 herein.
- b.) The National Council will recognize one (1) Regional Representative (Article 3, Section 4) who shall be elected by the existing Regional Representatives to sit on the National Executive Board of Council 4000. This position will have voice but no vote.

1.4.02

Four (4) of the five (5) Presidents of the Regional Local Union shall constitute a quorum of the National Council 4000 Executive Board. Each of the Executive Board officers shall have one (1) vote, with the exception of the Chairperson. The National Council President, or his or her designee, shall have the casting vote as Chairperson of the Executive Board meetings.

1.4.03

The National Council 4000 Executive Board will meet every six (6) months or at the call of the National Council 4000 President. National Council 4000 Executive Board meetings will coincide with Unifor Canadian Council or Regional Council meetings when viable. The National Council 4000 President may convene special or emergency meetings of the Executive Board if necessary.

1.4.04

The National Council 4000 Executive Board may adopt, between conventions, rules as may ensure the proper functioning of National Council 4000 and its Regional Local Unions designed to provide proper service to the membership. Any rule changes to the National Council 4000 Bylaws must be brought to the next National Council 4000 Convention for ratification.

1.4.05

Summary minutes of all National Council 4000 Executive Board meetings shall be distributed to all Executive Board members and Regional Representatives following the conclusion of such meetings. The Local Presidents shall distribute copies amongst their respective Local Executive Board members.

1.4.06

Notwithstanding any other part of these bylaws, the National Council 4000 Executive Board shall have the authority to increase or decrease the number of full-time Executive Officer positions, including 'non-executive' full time positions of Regional Representatives, on a permanent or part time basis, in keeping with the provisions of Article 15B, Paragraph 7 b) of the Unifor Constitution. The Executive Board also has the authority to consolidate such positions. These provisions may only be applied when a two-thirds (2/3) majority vote of the Executive Board, with at least four (4) of the five (5) Presidents of the Regional Local Unions concurring, determines such steps are warranted based on the adverse financial position of National Council 4000. One hundred and twenty (120) days calendar notice of any reduction in such full-time positions will be provided to any person adversely affected by the foregoing.

- 1.4.07 An appeal of a decision made under this Article 1, Section 4.06 may be made to the Unifor National Executive Board only. No Court or Tribunal has jurisdiction over any such appeal as in accordance with Article 15B, Paragraph 9 the Unifor Constitution.

ARTICLE 2 - ELECTIONS

SECTION 1: GENERAL

- 2.1.01 The Unifor Constitution and these Bylaws direct that each election for all Executive Officers, Regional Representatives, Unit Chairpersons, Local Chairpersons, Shop Stewards and various Committeepersons within National Council 4000 or any of its five (5) Regional Local Unions must be held under the supervision of a democratically elected Election Committee.
- 2.1.02 Elections within National Council 4000 and its five (5) Regional Local Unions will be administered consistent with the rules outlined in the "Policy regarding Local Union Elections" as published by the National Union.
- 2.1.03 Retired Workers are not eligible to stand for any elected position so long as there are active members who also stand for nomination for the same position.
- 2.1.04 In keeping with the spirit and democracy of the National Constitution, no Local Union Officers or members of National Council 4000 or its five (5) Regional Local Unions will prevent any individual's election correspondence or material from being equally distributed or posted to their respective membership.

SECTION 2: NATIONAL ELECTION COMMITTEE

- 2.2.01 A National Election Committee (NEC) will be elected at every National Council 4000 convention. The NEC will be a standing committee and serve a three (3) year term between each convention. Delegates to National Council 4000 Conventions will be called into Local Caucus Meetings of their respective Regional Locals for the purpose of nominating and electing NEC members and alternates; one member and one alternate from each of the five (5) Regional Locals. A majority vote is required to be elected. Once the five (5) NEC members are elected, the NEC will meet in caucus and elect, from amongst them, one member who will serve as Chairperson of the NEC.
- 2.2.02 The NEC will administer and supervise the elections of the National Council 4000 President, Secretary Treasurer and full time positions of Regional Representatives.
- 2.2.03 No member of the NEC shall be eligible to run for a full-time office or to serve as a challenger for a candidate for office in any election that this committee supervises. Should a member of this committee wish to run for office, they must immediately, subsequent to nominations for that office, resign from the NEC.

- 2.2.04 Following an election, the NEC must immediately report the results in writing to members of the National Council 4000 Executive Board. All ballots and other election records must be kept for one calendar year at which time they may be destroyed, unless an appeal is pending beyond one calendar year. In cases of appeal, ballots and records must be preserved until such time the appeal has been decided and the decision is final.

SECTION 3: NATIONAL COUNCIL 4000 ELECTIONS

- 2.3.01 Ballots for National Council 4000 Elections will be administered by referendum secret ballot and shall be mailed out to the members mailing addresses. The National Election Committee (NEC) shall ensure three (3) envelopes are used for National Council 4000 elections (mailing envelope - ballot envelope - return postage-paid mailing envelope). Members will return their ballot in self-addressed, postage-paid envelopes before the date specified by the NEC.
- 2.3.02 A majority of votes - fifty percent (50%) plus one vote - cast by the membership is required to be elected as any full-time officer or representative of National Council 4000.
- 2.3.03 Where there is only one nominated candidate for an executive office or full time position, that candidate is declared elected.
- 2.3.04 Where run-off elections are necessary because a candidate fails to receive a majority of votes, a second ballot run-off election shall be held confined to the two candidates receiving the highest number of votes for the office involved.
- 2.3.05 **Elections of National Council President and Secretary Treasurer**
- c.) Nominations for the positions of National Council President and Secretary Treasurer will be announced and accepted at the National Council 4000 Convention.
- d.) Elections of the National Council President and the Council Secretary Treasurer will be conducted every three (3) years following the completion of the National Council 4000 Convention.
- 2.3.06 **Elections of Regional Representatives**
- a.) Elections for full-time Regional Representatives will commence in the month of May every three (3) years.
- b.) Nominations must be accepted in writing and nominees will be instructed as to whom to submit written acceptance. Nomination forms for the position of Regional Representatives will be posted at all work locations in each region for a period of twenty-one (21) calendar days. Such forms shall provide for a specific period of time during which a nominated member must accept nomination.

- c.) Any member in good standing may make nomination of another member or members (in good standing). Where a member chooses to nominate another member, she/he would be required to notify the National Election Committee of her/his nomination in writing, within the first five (5) days of the nominating period. She/he should also notify the member(s) she/he has nominated for the specific office so that her/his nominee(s) will be aware of the nomination and of her/his obligation to accept such nomination within the applicable deadline. If a member is nominated and the nominator fails to notify the nominee, such failure will not invalidate or excuse the member's responsibility to accept such office or position to which she/he was nominated within the established deadline period.

SECTION 4: REGIONAL LOCAL ELECTIONS

- 2.4.01 Local elections will take place in the month of May and every three (3) years thereafter.
- 2.4.02 Regional Local Elections conducted by 'mail-out, mail-in' balloting may be administered by National Council 4000 at the discretion of each Regional Local Union Executive Board. In the event of the Council administering Regional Local Elections, once the deadline for collecting ballots has been reached, the Administrative Assistant of National Council 4000 will return the ballots within seven (7) calendar days to the applicable Local Election Committee Chairperson by Xpresspost to be tabulated by the Local Election Committee. The Regional Locals will assume all administrative and postage costs associated for the Council administering their elections.
- 2.4.03 A majority of votes – fifty percent (50%) plus one vote – cast by the membership is required to be elected as any Local Union Executive Officer.
- 2.4.04 Regional Local Unions may have a Retired Worker (a retired member) sit on its Local Executive Board providing the Local has established a Local Union Retired Workers Chapter as in accordance with the terms of Article 12, Paragraph 4 of the Unifor Constitution. Such Retired Workers are established in accordance with Article 12, Paragraph 6 of the Unifor Constitution. Local Union Retired Workers Chapters are to adhere to the applicable terms of the Unifor Constitution and National Union policies.
- 2.4.05 Retired Workers are not eligible to stand for any elected position so long as there are active members who also stand for nomination for the same position.
- 2.4.06 Where there is only one nominated candidate for an executive office or full-time position, that candidate is declared elected.
- 2.4.07 Where run-off elections are necessary because a candidate fails to receive a majority of votes, a second ballot run-off election shall be held confined to the two candidates receiving the highest number of votes for the office involved.

ARTICLE 3 - DUTIES OF OFFICERS, COMMITTEES AND STAFF

SECTION 1: GENERAL

- 3.1.01 All Officers, Representatives and Committeepersons of National Council 4000 and its five (5) Regional Local Unions have the duty and obligation to support, advance and carry out all provisions of the National Union's Constitution and Policies, and the National Council's and Regional Local's Bylaws and Policies, which should remain consistent with the policies of the National Union.
- 3.1.02 It is National Union policy to recognize that the spirit, intent and terms of all contractual relations between the National Union, National Council 4000 and its five (5) Regional Local Unions, subordinate bodies and employers are binding. Therefore, we must carry out the provisions of all contracts.
- 3.1.03 National Council 4000 and its five (5) Regional Local Unions will ensure that Regional Representatives, Local Officers and Committee Members are provided with appropriate training and upgrading to develop and maintain skills in ensuring their offices are knowledgeable and competent in the execution of their duties.

SECTION 2: NATIONAL COUNCIL 4000 PRESIDENT

- 3.2.01 Save and except the Election Committee, the National Council President will be *ex-officio*, a member of all committees, administrative and bargaining; in all Regional Locals and at all levels including Council. He/she will exercise supervision over the affairs of each Local in cooperation with each of the Local Presidents, and within the guidelines of the Unifor Constitution.
- 3.2.02 The National Council President will have the authority to appoint members or committee members not otherwise provided for herein.
- 3.2.03 The National Council President shall have the authority to assign other duties to any Officer of Representative of National Council 4000, in addition to their regular duties.
- 3.2.04 The National Council President, with the approval of the National Council 4000 Executive Board, may hire and employ such employees as may be necessary from time to time provided that such positions are first advertised to Council membership.
- 3.2.05 The National Council President will have the power to convene National Council 4000 meetings in the event of emergencies.
- 3.2.06 The National Council President shall have the authority to interpret and enforce these Bylaws.

▪ ARTICLE 3: SECTION 2

- 3.2.07 The National Council 4000 Executive Board will name a First Vice-President from the Executive Board who will assume the position of National Council 4000 President. In the event that the vacancy becomes permanent with more than one year left in the term, an election will be held. Article 2, Sections 1 and 3 of these Bylaws shall apply.
- 3.2.08 The National Council President will not hold a full time elected Regional Representative position or hold any Executive position at the Regional Local level.
- 3.2.09 The National Council President will be the chairperson of all National Bargaining Committees.
- 3.2.10 The National Council President will sign all official documents that are National in scope and preside at conventions and Council Executive Board meetings.
- 3.2.11 The National Council President will represent the Council and its affiliate Locals to all higher bodies within the Unifor National Union, and to other labour, government, social and industrial bodies.
- 3.2.12 The National Council President will not sign any agreements that are Local in scope without the approval of the Local President, Regional Representative, Local Chairperson or Chief Shop Steward.

SECTION 3: NATIONAL COUNCIL 4000 SECRETARY TREASURER

- 3.3.01 The National Council Secretary Treasurer will receive all funds and dues that are owed National Council 4000 and its five (5) Regional Local Unions. She/he will remit to the National Secretary Treasurer the National Office's portion of dues, in accordance with the provisions as set out in Article 15, Section G and Article 16, Section 2 of the Unifor National Constitution. Remaining dues will be split equally with 50% disbursed to the Regional Locals (on a per capita basis) and 50% retained by the National Council to be used exclusive for the administration of the National Council as set out in the National Council Bylaws.
- 3.3.02 The National Council Secretary Treasurer will be responsible for the collection of dues from the various employers.
- 3.3.03 The National Council Secretary Treasurer will be responsible for the payment of wages to the National Council President, the Regional Representatives, Bargaining Committee Members, and any other employees or members of National Council 4000.
- 3.3.04 The National Council Secretary Treasurer will be responsible for the arrangements of National Council 4000 semi-annual meetings, as well as the triennial convention.
- 3.3.05 The National Council Secretary Treasurer will ensure a proper accounting system and handle all funds of the National Council with due diligence. She/he will not issue any cheque or funds without the co-signature of the National Council President and/or a designate by the National Council.

▪ ARTICLE 3: SECTION 3

- 3.3.06 The National Council Secretary Treasurer shall be responsible for keeping a true and correct record of the finances of National Council 4000. She/he shall discharge on behalf of National Council 4000 such duties as may be imposed upon her/him by law, including the filing of any reports to Federal or Provincial authorities and the maintaining of such records.
- 3.3.07 The National Council Secretary Treasurer will assist the National Council President in all matters and will assume Presidential duties during his/her temporary absences; i.e. vacation, illness, etc.
- 3.3.08 The National Council Secretary Treasurer will not hold a full time elected Regional Representative position or hold any Executive position at the Regional Local level.
- 3.3.09 The National Council 4000 Executive Board will name a Second Vice-President from the Executive Board to serve as the National Council Secretary Treasurer in the event of a sudden vacancy in the position. In the event that the vacancy becomes permanent with more than one year left in the term, an election will be held. Article 2, Sections 1 and 3 of these Bylaws shall apply.
- 3.3.10 The Secretary Treasurer of National Council 4000 is to be sent a copy of all Local Union audits and ensure that the proper procedures are followed.
- 3.3.11 All Secretary Treasurers and Trustees of the Regional Locals shall receive a copy of the National Council 4000 audits.
- 3.3.12 A Chartered Accountant will be retained by the Secretary Treasurer of National Council 4000 to conduct one audit every calendar year. The Secretary Treasurer of National Council 4000 will provide copies of all external audits to the National Council 4000 Executive Board.

SECTION 4: REGIONAL REPRESENTATIVES

- 3.4.01 Regional Representatives will take direction from their respective regions or constituents and the National Council President concerning collective agreement matters. They will be responsible for the negotiation of national and regional collective agreements under their jurisdiction, in cooperation with the Regional or National Bargaining Committee(s). They will be responsible for drafting of contract language and administering these collective agreement(s) thereafter.
- 3.4.02 Regional Representatives will be responsible for the handling of grievances from their respective jurisdictions and at the final step of the grievance procedure for the life of the collective agreement, and will handle mediated and expedited arbitration for their respective jurisdictions.

- 3.4.03 At the request of the Regional Locals, Regional Representatives may be assigned additional duties outside of his/her bargaining unit under the direction of the National Council President and the National Council 4000 Executive Board, such as organizing, Workers' Compensation matters, Employment Insurance, etc.
- 3.4.04 Manages labour relations with existing and newly certified bargaining units.
- 3.4.05 Establishes and maintains a working environment conducive to positive morale, individual style, quality, creativity and teamwork with all Locals under their jurisdiction.
- 3.4.06 Visit workplaces where National Council 4000 members are employed and monitoring working conditions and identifying other industrial relations issues.
- 3.4.07 Regional Representatives must provide a written report at Local meetings and demonstrate skills in effective, clear and persuasive oral and written communication.
- 3.4.08 Regional Representatives must submit a written report twice every calendar year in conjunction with National Council 4000 Executive Board meetings. Reports must be submitted to the National Council 4000 Secretary Treasurer a minimum twenty-one (21) days prior to the date of the Executive Board meetings.
- 3.4.09 In recognizing the democratic process of our union and the intent behind the role of the Regional Representatives, Regional Representatives must be consulted and given full participation in the collective bargaining process. Both the Chairperson of the Bargaining Committee, as well as National Representatives must respect this bylaw.

SECTION 5: BOARD OF TRUSTEES

- 3.5.01 Each of the National Council's five (5) Regional Local Unions shall elect a minimum of three (3) Trustees pursuant with Article 2, Section 4.01 herein, of whom will stand as the Board of Trustees for each Regional Local Union. Each Regional Local's Board of Trustees will elect one person whom will serve as its Chairperson. Each of the five Chairpersons of the Board of Trustees will also serve as Trustee of National Council 4000 and form the Board of Trustees of National Council 4000 whom will audit the National Council Secretary Treasurer's books once per year.
- 3.5.02 The Board of Trustees of each of the five (5) Regional Local Unions will report to their respective Regional Local Executive Boards any excessive disbursement of funds beyond the provisions set out in their annual budgets.
- 3.5.03 The Board of Trustees of National Council 4000 will report to the National Council 4000 Executive Board any excessive disbursement of funds beyond the provisions set out in the annual budget.
- 3.5.04 The Board of Trustees of National Council 4000 may make recommendations to the National Council 4000 Executive Board concerning future budgets and constraints.

SECTION 6: BARGAINING COMMITTEES

- 3.6.01 Bargaining committees shall be empowered to meet with the employers of the members of National Council 4000 and its five (5) Regional Local Unions and bargain collective agreements that, to the best of their abilities, will capture our objectives as set out in the preamble of these bylaws.
- 3.6.02 Bargaining committees will be established pursuant to the terms of Article 5, Sections 2 and 3 herein.
- 3.6.03 All negotiated collective agreements of the bargaining units of National Council 4000 and the members' employers must be put to a ratification vote of those members whose collective agreement is under negotiation and will be conducted in accordance with Article 4, Section 5 herein.

SECTION 7: NATIONAL STRIKE COORDINATOR

- 3.7.01 When notice of intent to negotiate a national collective agreement is given or received, a National Strike Coordinator will be appointed by National Council 4000 in accordance with Article 3, Section 2.02 herein.
- 3.7.02 It shall be the duty of the National Strike Coordinator to:
- (a) Establish necessary Local Strike Captains and coordinate their responsibilities with the respective Regional Local Presidents and Secretary Treasurers;
 - (b) Obtain membership lists from the Secretary Treasurer of National Council 4000;
 - (c) Establish acceptable and secure networking tools;
 - (d) Support the activities of the Local Strike Services Committees and the Education Committees;
 - (e) Coordinate the delivery of resources to the Regional Locals;
 - (f) Ensure bilingual communications are approved as required;
 - (g) Create a Strike Manual specific to each workplace as adapted from the manual of the National Union's Strike Assistance Benefit Program;
 - (h) Prepare checklists of necessary items for picket lines and activities based on input from the Local Strike Captains;
 - (i) Keep Local Financial Secretaries informed of all strike matters;
 - (j) Participate in all conference calls that are scheduled by representatives of the Unifor National Office, National Council 4000 President, National Council 4000 Secretary Treasurer or Bargaining Committees regarding strike preparation and actions.
- 3.7.03 At the same time of the appointment of the National Strike Coordinator, each Regional Local of National Council 4000 will:
- (a) Appoint a Local Strike Captain(s) and Local Picket Captains;
 - (b) Establish a Strike Services Committee;
 - (c) Mandate the Local Education Committee to develop a Strike Participation Program;

- (d) Conduct a checklist on where picket lines should be established and the activities and resources that will be required, in consultation with the National Strike Coordinator and Local Strike Captains;
- (e) Collaborate with the National Strike Coordinator prior to and during any strike action.

3.7.04 The position of National Strike Coordinator may be established as a standing position that will remain in effect for a duration of three (3) calendar years and will be called upon to perform the duties listed in Article 3, Section 7.02 herein, in the event of other potential strike action that may result during collective bargaining of other national collective agreements. The National Strike Coordinator may also be utilized to organize strike preparations and activities of Regional Bargaining Units.

3.7.05 **DEFINITIONS:**

- (a) A Strike Captain is responsible for coordinating strike activities with the National Strike Coordinator and Regional Local. The Strike Captain is the key liaison for the jurisdictions they have been assigned and is responsible for overseeing the picket lines in their jurisdictions. Strike Captains will participate in all conference calls regarding strike preparation and actions.
- (b) A Picket Captain is assigned to a specific picket line and is responsible for the activities of that picket line during the shift they are assigned. Picket Captains are to keep record of members' attendance at their picket lines and report to the Strike Captain any problems that may arise during picket duty.

SECTION 8: VACATING OF OFFICES, RESTRICTIONS AND RECALL

3.8.01 Any member holding an elected position, committee position, or other position that works in the interests of National Council 4000, its five (5) Regional Local Unions or the National Union, who accepts a permanent or temporary position of a supervisory nature with their employer, shall have his/her position declared vacant immediately.

3.8.02 In accordance with Article 15B, Paragraph 10 of the Unifor Constitution, an elected Officer or Representative of National Council 4000 may be recalled by the members he/she represents for failing to perform the duties of their respective office. Members will sign a petition listing the specific complaints against the elected Officer or Representative. The petition must be dated on each page and each page of signatures must clearly indicate at the top of the petition the specific reason(s) why the petitioners are signing, for failing such, the petition will be deemed as being invalid.

3.8.03 Following receipt of a valid petition pursuant Article 3, Section 8.02 above, the Officer or Representative being named will be notified promptly and a Special Meeting will be called for the purposes of recall. Pursuant with Article 15B, Paragraph 11 of the Unifor Constitution, the number of petitioners required for a recall shall be twenty-five percent (25%) of the total number of members the Officer or Representative represents.

The quorum required to hold a recall meeting shall be fifty percent (50%) of the total number of members that the Officer or Representative represents, and a two-thirds (2/3) majority vote of those present shall be required to recall an elected Officer or Representative.

- 3.8.04 In the event that a Regional Local of National Council 4000 does not have provisions within its own bylaws pertaining to the recall of elected Local Officers, this Article 3, Sections 8.02 and 8.03 shall apply.

ARTICLE 4 - CONVENTIONS AND MEETINGS

SECTION 1: CONVENTIONS

- 4.1.01 National Council 4000 will hold a Convention every three (3) years in the month of October or November.
- 4.1.02 The triennial Convention is the highest authority of National Council 4000. The Convention shall adopt and may amend the National Council 4000 Bylaws, including amendments made to the Bylaws pursuant to Article 1, Section 4.04 herein, and adopt policies and measures as necessary for improving the governance and administration of the National Council. A Call for Nominations for the National Council 4000 President, Secretary Treasurer and National Election Committee will be held at each Convention.
- 4.1.03 Regional Locals will be allowed one (1) delegate for every 100 members or greater portion thereof.
- 4.1.04 Units separated geographically from the Regional Local will be combined for the purpose of obtaining a minimum of one (1) delegate to each convention. This one (1) delegate's status will be rotated within the region from Unit to Unit at each geographical location and at subsequent conventions. (**NOTE:** This will not prevent any member in any unit from running as a delegate to the convention from her/his Local.)
- 4.1.05 The National Council 4000 Executive Board and Regional Representatives will be voting delegates to the National Council 4000 convention and their participation is exclusive of the allotments set out in Article 4, Section 1.03.
- 4.1.06 The Secretary Treasurer of National Council 4000 will send out a call letter for resolutions by March 31st prior to the National Council 4000 Convention. Resolutions shall be forwarded to the Secretary Treasurer of National Council 4000 not later than June 30th in the year of the convention. Resolutions shall then be provided to the Convention Committee Chairpersons whom will be appointed by National Council 4000 in accordance with Article 3, Section 2.02 herein.
- 4.1.07 There shall be only one subject to each resolution to each full-size sheet of paper, and signed by the Recording Secretary of a Regional Local Union or his/her designate.

- 4.1.08 The Executive Board of National Council 4000 may submit resolutions to National Council 4000 Conventions for consideration by the delegates at the convention.
- 4.1.09 All the reports and resolutions submitted for National Council 4000 Conventions shall be included in the complete agenda to be circulated to delegates at the time of registering at the convention.
- 4.1.10 Two-thirds (2/3) of the delegates registered at Conventions or Special Meetings shall constitute a quorum. The National Council President or his/her designate shall act as Chairperson at all sessions.
- 4.1.11 All delegates registered at National Council 4000 Conventions or Special Meetings whom are entitled with the right to vote shall each have one vote. In the case of a tie, the Chairperson shall cast the deciding vote.
- 4.1.12 At National Council 4000 Conventions or Special Meetings, questions shall be decided by a show of hands on the basis of one vote per voting delegate. A roll call vote or standing vote may be ordered by the Chairperson if the required majority is not clearly indicated by a show of hands, or, should such be demanded by one-third (1/3) of the delegates in attendance at the convention or meeting. A secret ballot vote will be ordered by the Chairperson if such should be demanded by two-thirds (2/3) of the delegates in attendance at the Convention or meeting.

SECTION 2: CANADIAN AND REGIONAL COUNCILS

- 4.2.01 In the event a Local President of one of the five (5) Regional Locals of National Council 4000 is unable to attend a Unifor Canadian Council meeting, Regional Council meeting or Constitutional Convention, an alternate will substitute the Local President and represent that Local Union. The alternate will be determined in accordance with the respective bylaws of the applicable Regional Local.

SECTION 3: NATIONAL COUNCIL 4000 EXECUTIVE BOARD MEETINGS

- 4.3.01 As in accordance with Article 1, Section 4.03 of these bylaws, the National Council 4000 Executive Board will meet every six (6) months or at the call of the National Council President. National Council 4000 Executive Board meetings will coincide with Unifor Canadian or Regional Council meeting dates when viable.

The National Council President may convene special or emergency meetings of the Executive Board if necessary.

SECTION 4: LOCAL MEETINGS

- 4.4.01 Regional Local Unions must hold regular membership meetings as in accordance with Article 15F, Paragraph 1, or, Paragraph 2 of the Unifor Constitution, if applicable.

- 4.4.02 It shall be the responsibility of the National Council President and Presidents of the five (5) Regional Locals to monitor that regular Local and Unit meetings are being held. It is the responsibility of the Regional Representative to be present upon request of Unit Chairpersons, Local Chairpersons or Chief Shop Stewards, if available.

SECTION 5: RATIFICATION AND STRIKE VOTE MEETINGS

- 4.5.01 All negotiated collective agreements of the bargaining units of National Council 4000 and the members' employers must be put to a ratification vote of those members whose collective agreement is under negotiation.
- 4.5.02 At ratification meetings, bargaining committees shall make available to the members whose collective agreement is under negotiation a Memorandum of Agreement or Memorandum of Settlement detailing all changes that have been negotiated, prior to the ratification vote being held. The voting procedure will be determined by the Bargaining Committee.
- 4.5.03 Notwithstanding Article 4, Section 5.02 above, in cases of national bargaining units, ratification may be conducted by mail-out/mail-in balloting. Such special process must be approved in advance by the Unifor National President as in accordance with Article 17, Paragraph 11 of the Unifor Constitution.
- 4.5.04 Each member covered by the collective agreement that is being ratified, including those members who are laid off and awaiting recall, shall have one vote.
- 4.5.05 A collective agreement shall be considered ratified with a simple majority of votes cast.
- 4.5.06 Strike actions may not be initiated without prior authorization by the Unifor National President pursuant to Article 17B, Paragraph 1 of the Unifor Constitution. Once strike authorization has been approved, reasonable notice will be provided for the purposes of conducting a meeting where the question of strike action shall be put to a vote of members in good standing of the bargaining unit involved. Each member in good standing is allowed one vote at strike vote meetings. Strike votes for national bargaining units may be conducted as in accordance with the terms of Article 4, Section 5.03 herein.
- 4.5.07 Strike vote results will be sent to the Unifor National President and no strike action may be taken until authorized by the National President, and the established procedures of Article 17B, Paragraph 5 of the Unifor Constitution.
- 4.5.08 Following the release of results of a strike/ratification vote, all ballots cast must be retained in a confidential and secure manner for a period of one year.

ARTICLE 5 - COLLECTIVE BARGAINING AND COMMITTEES

SECTION 1: GENERAL

- 5.1.01 Bargaining Committees will be established pursuant with the terms of Article 5, Sections 2 and 3 herein.
- 5.1.02 Bargaining Committees shall be empowered to meet with the employers of the members of National Council 4000 and its five (5) Regional Local Unions and bargain collective agreements that, to the best of their abilities, will capture our objectives as set out in the preamble of these bylaws.
- 5.1.03 All negotiated collective agreements between bargaining units of National Council 4000 and the members' employers must be put to a ratification vote of those members whose collective agreement is under negotiation, in compliance with Article 4, Section 5 herein.

SECTION 2: NATIONAL BARGAINING COMMITTEES

- 5.2.01 National Bargaining Committees will be established for collective bargaining for the national bargaining units of Canadian National Railway Co. (CN), CN Transportation Ltd. (CNTL) and VIA Rail Canada (VIA).
- 5.2.02 National Bargaining Committees will be full time standing committees comprised of the Regional Representatives of National Council 4000, who in addition to negotiating the collective agreement(s) shall also be responsible for administering the collective agreement(s) thereafter.
- 5.2.03 One Regional Representative from each Regional Local that is assigned to service members from the national bargaining unit will serve on the National Bargaining Committee, providing the membership base in that Regional Local has a minimum of two-hundred (200) members.
- 5.2.04 In situations where a Regional Local has less than two-hundred (200) members employed within a national bargaining unit, the Chairperson of the National Bargaining Committee will consult with members of the National Council 4000 Executive Board to determine which Regional Representative and National Bargaining Committee member will represent the interests of the Regional Local that has less than two-hundred (200) members.
- 5.2.05 The National Council 4000 President may, in consultation with the National Council 4000 Executive Board, make exceptions to the minimum requirement outlined in Article 5, Sections 2.03 and 2.06 herein based on factors that include, but not limited to, experience, geography and/or other principled reasons.
- 5.2.06 National Council 4000 will provide sufficient funding to allow for one representative from each Regional Local, in addition to the Regional Representative, to sit on the CNTL Bargaining Committee. In the event there is more than one terminal in the province, each Local will decide if they have sufficient funding to allow more than one bargaining observer to sit at the bargaining table.

5.2.07 If any new groups of workers join National Council 4000 from bargaining units that are national in scope (workers based in more than one region), the National Council 4000 Executive Board will determine the size of the bargaining committee based on the requirements set out in Article 5, Sections 2.03 and 2.04 and 2.06 above, and may make an exception to these provisions based on the provisions of Article 5, Section 2.05.

SECTION 3: REGIONAL BARGAINING COMMITTEES

5.3.01 Regional Bargaining Committees will be established for collective bargaining of regionally based bargaining units as identified in Article 1, Section 2.06 herein.

5.3.02 Regional Bargaining Committees will be non-standing committees comprised of the Regional Representative of National Council 4000 who is assigned to service members from the Unit for which collective agreement is to be negotiated, and additional Bargaining Committee Members as in accordance with the requirements set out in Article 5, Section 3.03 herein.

5.3.03 In addition to the Regional Representative, one Bargaining Committee Member for every one hundred (100) bargaining unit members, or greater portion thereof, shall, in accordance with Article 2 herein, be elected by the membership to serve on the Bargaining Committee.

5.3.04 The National Council 4000 President may, in consultation with the National Council 4000 Executive Board, make exceptions to the minimum requirements outlined in Article 5, Section 3.03 herein based on factors that include, but are not limited to, experience, geography and/or other principled reasons.

5.3.05 In addition to negotiating the collective agreement(s) of regional bargaining units, Regional Representatives shall also be responsible for administering the collective agreement(s) thereafter pursuant to Article 3, Section 4.01 herein.

5.3.06 If an election of a Regional Bargaining Committee is not practical, Bargaining Committee Members may be appointed as in accordance with Article 17A, Paragraph 4 of the Unifor Constitution. Such appointments will take into consideration the experience of potential Bargaining Committee Members.

ARTICLE 6 - FINANCES, SALARIES, EXPENSES & VACATIONS

SECTION 1: GENERAL

6.1.01 The National Council 4000 President and Secretary Treasurer shall be the signing officers for National Council 4000. Financial officers, including the National Council President, will be bonded by such agencies as determined by the National Council 4000 Executive Board. Bonding will be in an amount sufficient to cover seventy-five percent (75%) of funds available to them, but in no case less than ten thousand dollars (\$10,000).

- 6.1.02 The National Council Executive Board will prepare and approve an annual budget in December of each year and distributed to the Financial Secretaries and Trustees of each Regional Local Union.
- 6.1.03 The National Council 4000 Board of Trustees will audit the finances of National Council 4000 once per year and file a report and recommendations as in accordance with Article 3, Sections 5.03 and 5.04 herein.
- 6.1.04 A Chartered Accountant will be retained by the National Council Secretary Treasurer to conduct one audit each calendar year. Copies of all external audits will be supplied as in accordance with Article 3, Section 3.12 herein.
- 6.1.05 Any assessments placed on the membership by National Council 4000 towards the cost of operating or function of the Council will be split 50/50 with each of the five (5) Regional Locals.

SECTION 2: UNION DUES

- 6.2.01 The amount of Union Dues paid by the membership of National Council 4000 and its full-time officers shall be in accordance with Article 15G, Paragraphs 1 and 2 of the Unifor Constitution, save the exception of those members who are employed as Owner Operators.
- 6.2.02 Effective January 1, 2013, the monthly Union Dues of Owner Operators is \$57.32. Effective the first of the month following the conclusion of the October 2013 National Council 4000 Convention at Edmonton, Alberta, the monthly Union Dues of Owner Operators will be increased to \$67.32, which will be deducted at the applicable time in November as in accordance with the terms set out in the applicable collective agreement(s).
- 6.2.03 The Union dues of members employed as Owner Operators will increase simultaneously at the same percentage value that Owner Operators receive as 'general zone rate' increases or 'rate scale' increases as a result of collective bargaining with their respective employer(s).

SECTION 3: SALARIES AND BENEFITS

- 6.3.01 The salary of the National Council 4000 President will be ninety-eight thousand, eight-hundred and eighty-three dollars and twenty cents (\$98,883.20) plus benefits.
- 6.3.02 The salary of the National Council 4000 Secretary Treasurer will be ninety-two thousand, nine-hundred and thirty-four dollars and forty cents (\$92,934.40) plus benefits.
- 6.3.03 The salary of the Regional Representatives will be eighty-six thousand, five-hundred and nineteen dollars and six cents (\$86,519.06) plus benefits.

- 6.3.04 Wage increases will be applied each January equal to the average wage increase obtained for the membership at the bargaining table. If one group does not receive a wage increase, it will not be added to the average, to determine the increase.
- 6.3.05 The salaries of all full-time Officers and Representatives will be automatically updated each time these bylaws are amended and reprinted.
- 6.3.06 Full-time Officers and Representatives who are governed by a Bargaining Unit Pension Plan or Group Registered Retirement Savings Plan (RRSP) shall have their pension or RRSP rights protected as in accordance with the applicable Pension Plan, Group RRSP or equivalent.

SECTION 4: VACATION

- 6.4.01 Full-time Officers and Representatives of National Council 4000 shall be granted vacation annually with pay as in accordance with the applicable collective agreement for which they would be governed as a member. Vacation must be taken by December 31st of each calendar year.
- 6.4.02 (a) An Officer or Regional Representative formerly employed as a contractor and had no annual vacation time within their personal contract or collective agreement, the following criteria for vacation entitlement shall apply:

VACATION ENTITLEMENT TABLE

Vacation Qualification Criteria	Vacation Entitlement
Number of Years Continuous Employment Relationship (Employer Service) at January 1 st of Current Year	Maximum Number of Weeks' Vacation
Less than 3 years	2
3 years to 8 years	3
9 years to 18 years	4
19 years to 27 years	5
28 years or more	6

- (b) The vacation criteria and entitlement table listed in Article 6, Section 4.02(a) is consistent with the vacation entitlements of the national bargaining units of CN.
- 6.4.03 Vacations will be prorated in cases when an Officer or Regional Representative commences a full-time position for only a portion of a calendar year.

6.4.04 Consistent with Article 6, Section 4.03 above, during the final year of their three (3) year elected term as Regional Representative that ends June 30th, she/he will only be permitted to utilize half of their allotted vacation they are entitled from January 1st to June 30th of that calendar year. Should the Regional Representative be re-elected, then they may utilize the remainder of the vacation that they are entitled up to December 31st of that calendar year.

SECTION 5: EXPENSES

6.5.01 Any full-time Officer or Executive Board member of National Council 4000, or a member from one of the Council's five (5) Regional Local Unions working for the Council who is on approved Union business for the Council and is required to travel and stay overnight shall receive the following:

- (a) The cost of, *if possible, a unionized* hotel or motel room upon the presentation of a receipt;
- (b) A seventy dollar (\$75.00) Per Diem allowance per day, and one half of this Per Diem on a travel day.
- (c) Automobile allowances shall be at the rate of forty-eight cents (\$0.48) per kilometer when on approved union business. If renting a car is more affordable than using a personal vehicle, then a mid-size car rental is the preferred option. In addition to the cost of the car rental, fuel costs are reimbursed with actual receipts.
- (d) Train fare, airfare, taxi or bus fare, at economy rates, will be reimbursed with receipts.

6.5.02 Every effort will be made by members to maintain costs of travel to a minimum. Where possible, travel will be undertaken on VIA Rail, or, whenever possible, by using unionized transportation by air or bus.

ARTICLE 7 - REVIEW OF DECISIONS (APPEALS)

SECTION 1: GENERAL

7.1.01 As in accordance with Article 18B, Paragraph 1 of the Unifor Constitution, 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. Furthermore, pursuant with Article 18B, Paragraph 4 of the Constitution, such reviews will be administered in accordance with Article 7, Sections 2 and 3 herein.

SECTION 2 – APPEALING THE DISPOSITION OF A GRIEVANCE

- 7.2.01 When an Officer of a Local Union makes a decision not to proceed with a grievance, such Officer shall notify the member(s) *in writing* explaining the reasons of such decision. The Officer shall attend all meetings dealing with an appeal by the members and shall ensure that all time limits with the employer are protected.
- 7.2.02 Once a member(s) has been notified that a grievance will not be advanced, the following steps are to be taken within thirty (30) days of such notification:

Step 1

Submit an appeal *in writing* to the President of the Local or at the applicable Local Union membership meeting.

Step 2

In the event the Local Union upholds the decision of the Local Officer, within thirty (30) days of receiving the Local Union's decision at Step 1, the member(s) may request for a Review of Decision *in writing* to the President of National Council 4000 with a copy to the applicable Local Union Recording Secretary. The request must be signed and be specific in describing the decision or action to be reviewed, including the grounds for review and the remedy sought, and include all documentation and information relevant to the dispute.

Step 3

In the event that the National Council 4000 President upholds the decision of the Local Officer and/or Local Union, the member may request for a further review, *in writing*, to the National Executive Board of Unifor within thirty (30) days of the decision from the National Council 4000 President.

Step 4

In the event that the National Executive Board upholds the decision of the National Council 4000 President, the member may, within thirty (30) days of the decision, request for a further and final review to the Unifor Public Review Board pursuant to the procedures set out in the Unifor Constitution.

Notes:

- i.) If the grievance was handled by a Regional Representative of National Council 4000 and turned down at that step, the appeal may start at Step 2.
- ii.) If the grievance was handled by the President of National Council 4000 and turned down at that step, the appeal may start at Step 3.

- iii) Appeals or requests for a Review of Decision are to be submitted *in writing* by signed letter, and not by the use of electronic formats such as email or text messaging.

SECTION 3: APPEALS DEALING WITH ADMINISTRATIVE MATTERS

- 7.3.01 Requests for a Review of Decision over disputes dealing with grievance and collective agreement matters will be first to the Unit, then to the Regional Local Union, then to the President of the National Council 4000, and then to the National Union.
- 7.3.02 Requests for a Review of Decision over disputes dealing with administrative matters or charges against a member(s) pursuant with Article 18C, Paragraph 5 will be first to the Unit, then to the Regional Local Union, and then to the National Union.
- 7.3.03 The time limits for such appeals over administrative matters will be thirty (30) days from the time the member becomes aware of the decision, which is consistent with the time limits established in the Unifor Constitution.
- 7.3.04 Appeals or requests for a Review of Decision concerning administrative matters are to be submitted in writing by signed letter, and not using electronic formats such as email or text messaging.