

# **BC FERRY & MARINE WORKERS' UNION**

## **LOCAL 4 BY-LAWS**

### **1. PREFACE**

The By-laws of the Local shall not, in any way, be inconsistent with the Constitution of the BC Ferry & Marine Workers' Union.

### **2. NAME**

The name of the Local shall be Local 4 of the BC Ferry & Marine Workers' Union.

### **3. MEMBERSHIP**

- a) The Local shall consist of all Union members within the jurisdiction specified for this Local in Article 16, Section 6 of the Union Constitution or within such jurisdiction as is determined by the Executive pursuant to Article 16, Section 5.
- b) Any person in the Bargaining Union and within the jurisdiction of the Local shall be eligible for membership in the Union. Application shall be made in accordance with article 5, Section 1, and Article 16, Section 6 of the Constitution.
- c) Honourary Membership may be granted in accordance with Article 5, Section 4 of the Constitution.

### **4. AFFILIATION**

A member of Local 4 may be appointed to a local or regional Labour Council where such Labour Councils are established. The Union shall pay per capita fee in accordance with Article 3, Section 6 of the Constitution.

### **5. OBJECTIVES**

The objectives of the Local shall be:

- a) To unite all Local members for the mutual benefit and conduct Union business in accordance within the Constitution.
- b) To maintain an efficient Shop Steward system within the Local.

### **6. DELEGATES TO CONVENTION**

- a) The Local shall elect, by referendum, the number of delegates to Convention to which it is entitled under Article 8, Section 5, paragraph (b) of the Constitution.
- b) The nominees shall be ranked in order of the number of votes received. The highest-ranking nominees, corresponding to the number of delegates to which the Local is entitled, shall be declared elected.
- c) The unsuccessful nominees, ranked in order according to the number of votes received, shall be alternate delegates.

**7. RESOLUTIONS**

- a) All resolutions submitted shall be in accordance with Article 8, Section 7 of the Constitution.
- b) Resolutions submitted by the Local shall be approved by majority vote at a regularly constituted Membership meeting prior to being submitted to the Convention.

**8. LOCAL EXECUTIVE**

- a) The Local Committee shall consist of the following six (6) Officers:
  - 1) President
  - 2) 1<sup>st</sup> Vice-President
  - 3) 2<sup>nd</sup> Vice-President
  - 4) 3<sup>rd</sup> Vice-President
  - 5) 4<sup>th</sup> Vice-President
  - 6) Recording Secretary-Treasurer
  - 7) All Shop Stewards (Not regarded as an Officer)
  - 8) Local Returning Officer (Not regarded as an Officer)

**9. ELECTION OF OFFICERS**

- a) Local Officers shall be elected by referendum vote of the Local membership conducted according to the Constitution of the BC Ferry & Marine Workers’ Union.
- b) If only one nomination is received for any one position a referendum ballot shall not be held for that position and the nominee shall be declared elected.
- c) A Local Officer vacancy shall be filled by election within sixty (60) days.
- d) Names of the elected Officers shall be reported, in writing, to the Union headquarters as soon as possible.

**10. NOMINATION FORM**

Nomination forms shall be as follows:

NOMINATION FOR LOCAL OFFICERS

I, \_\_\_\_\_, of \_\_\_\_\_ accept nomination to the Office of \_\_\_\_\_.

\_\_\_\_\_  
(Signature of Nominee)

\_\_\_\_\_  
(Signature of Nominator)

\_\_\_\_\_  
(Signature of Witness)

This form must be presented to the Local Returning Officer on or before the closing date for nominations in order to ensure the nominee's eligibility for election.

**11. TERM OF OFFICE**

The Officers of the Local shall be elected for a three-year term. Each term shall end upon the election of a new Officer. Nominations, voting and elections will take place in accordance with Article 14, Section 2 (c) of the Constitution.

**12. VACANCIES**

In the event that any Officers positions becomes vacant the vacancy shall be filled by election within ninety (90) days unless it is within six months of the end of term, in which case Officers shall move up on succession.

**13. DUTIES OF THE LOCAL PRESIDENT**

- a) The Local President shall be a member of the Union Provincial Executive by right.
- b) The Local President, or a member delegated by the Local President, shall preside at all meetings of the Local.
- c) The President shall be a member, by right, of all committees of the Local.
- d) The Local President shall be responsible to the Executive and membership for Union activities at the Local, including:
  - 1) Ensure that each designated group of members elect a Shop Steward.
  - 2) Assisting Shop Stewards, as may be required, with investigation of grievances, safety conditions, etc.
  - 3) Appointing committees, as required, and assisting with their activities.
- e) The Local President shall, where required, have authority to appoint Shop Stewards.
- f) The Local President shall assign duties to the Vice Presidents.
- g) To investigate any allegations made about Shop Stewards and to report to the Local Executive who, in turn, may recommend appropriate actions.

**14. DUTIES OF THE LOCAL VICE-PRESIDENTS**

- a) In the absence of the Local President, the 1<sup>st</sup> Vice-President shall assume the duties of the President.
  - 1) In the absence of a Local Officer, the vacancy may be filled by the next senior Officer.
- b) Local Vice-Presidents shall assist the President.

**15. DUTIES OF THE LOCAL SECRETARY-TREASURER**

- a) The Local Secretary-Treasurer shall keep a full and impartial account of the proceedings of each meeting of the Local. The Local Secretary-Treasurer shall forward, upon completion of a meeting, a copy of all minutes recorded to the Union office within fourteen (14) days.
- b) The Local Secretary-Treasurer shall keep a full and impartial account of each monetary transaction of the Local in a bound book and shall make it available to the Local President upon request, and to any member of the Local upon the request of the Local President.
- c) The Local Secretary-Treasurer shall be one of the signing authorities of the Local.
- d) The Local Secretary-Treasurer shall keep an accurate record of all revenue and expenses by the Local and shall forward an annual report to the Provincial Executive Secretary-Treasurer.
- e) In the absence of the Secretary-Treasurer, the Local Executive shall have the right to appoint an alternate for a period of up to two (2) months. The alternate shall be entitled to the same privileges afforded to the regular Secretary-Treasurer.
- f) The Local Secretary-Treasurer shall maintain an accurate record of all Local financial transactions and remit an annual statement to Headquarters.

**16. SHOP STEWARDS**

Shop Stewards shall be responsible for:

- a) Processing grievances at step one.
- b) Assisting Local Officers at step two of the grievance procedure
- c) Ensuring that bulletin boards are in order and up to date.
- d) Ensuring that Articles of the Collective Agreement are enforced.
- e) Ensuring that new employees are familiar with the Collective Agreement and membership requirements.
- f) Attending all Local meetings except for good and sufficient reason.
- g) A Shop Steward may be removed by a two-thirds (2/3) majority vote of non-confidence of the affected membership; such motion to be duly recorded and attested to and reported to the Local Executive for their recommendations to the appropriate body.

The Term of Office shall be concurrent with Local elections as provided for in the Constitution of the Union.

**17. LOCAL EXECUTIVE MEETINGS**

- a) Meetings to be as deemed necessary at such time and place that the Local President shall determine, or at the call of any 3 Local Officers.
- b) Any three (3) Local Officers shall constitute a quorum.
- c) Any Local Committee member who consistently does not attend meetings of the Committee without good and sufficient reason shall forthwith cease to be a member of the Local Committee.
- d) Except in the case of special or emergency meetings, seven (7) days notice, accompanied by agenda items, shall be given to Local Committee Members.

**18. COMMITTEES AND APPOINTMENTS**

- a) The following Local Committees shall be established:
  - Safety
  - Grievance
  - Social/Good & Welfare
- b) Each Committee shall be headed by a Local Officer.
- c) The Local Executive or the General Membership meetings of the Local may appoint committees as they see fit.
- d) All appointments shall be reported to the Union Office.

**19. LOCAL GENERAL MEETINGS**

- a) The Local President shall call such meetings of the Local membership as deemed necessary but, in any event, not less than one (1) each quarter.
- b) The Local President shall call a meeting of the Local on the written request of ten (10) percent of the Local's membership, or at the direction of the Union Executive.
- c) The meetings shall be held at such times and places as the Local President sees fit.
- d) A quorum shall be twelve (12) members in good standing, taken from all sessions of the meeting.
- e) Except in the case of special or emergency meetings, seven (7) days notice of meetings shall be given to the membership of the Local.

**20. ORDER OF BUSINESS**

So far as practicable and subject to alteration by the meeting, the order of business at all meetings shall be:

- 1) Sign in on Attendance
- 2) Call to Order
- 3) Introduction of Head Table
- 4) Adoption of Agenda
- 5) Reading of Minutes of Previous Meeting
- 6) Disposition of minutes
- 7) Business arising from minutes
- 8) Unfinished Business
- 9) Executive Member's Report
- 10) Reports of Committees
- 11) Correspondence
- 12) New Business
- 13) Good and Welfare
- 14) Adjournment

**21. DELEGATES TO TRADES AND LABOUR COUNCILS**

The Local shall elect delegates and alternate delegates to the Trades and Labour Councils to which they are an affiliate.

**22. TIME OFF FOR UNION BUSINESS**

Local book off days, as provided by the Financial Guide (FIN-03.09) are intended to provide time off from work to hold Local Meetings and carry out Local Union business. Requests for Local Book Off shall be at the discretion of the Local President and shall be made through Union headquarters. They are subject to approval by Union headquarters.

**23. RECOMMENDATIONS FOR NEGOTIATIONS**

Recommendations for negotiations shall be made to the Standing Bargaining Committee through the Local Committee after membership of the Local has approved such recommendations.

## **24. FINANCES**

- a) Local funds shall be administered by the Local Executive
- b) Expenses incurred by the Local shall be paid in accordance with the Financial Guide and Local financial guidelines.
- c) A Local bank account shall be maintained.
- d) Local Expenditures in excess of \$250 must be approved by a majority vote of a Local General Meeting.
- e) All Expenditures of the Local shall be recorded in an account book, maintained by the Secretary-Treasurer.
- f) All cheques shall be required to be signed by any two (2) of the following Local executive members:
  - Local President
  - 1<sup>st</sup> Vice President
  - 2<sup>nd</sup> Vice President
  - 3<sup>rd</sup> Vice President
  - Local Secretary-Treasurer

## **25. RULES OF PROCEDURE**

The rules of procedure governing Local Committee and Local membership meetings shall be Bourinot's Rules of Order Revised except when the rules are inconsistent with the Constitution and By-laws or when special rules are adopted by the Local membership. In particular, the following rules of procedure shall apply:

- Rule – 1 If a member, while speaking, be called to order, he shall at the request of the Chair, take his seat until the question of order has been decided.
- Rule – 2 Should one or more members rise to speak at the same time, the Chair shall decide who is entitled to the floor.
- Rule – 3 That any members, for informative purposes, may request a motion under discussion re-read, except whilst a member is speaking.
- Rule – 4 No member shall interrupt another in his remarks except it be to call to a point of order.
- Rule – 5 A member shall not speak more than once on a question until all who wish to speak have had an opportunity to do so.
- Rule – 6 That any motion presented to the Chairman shall be the property of the Union. Prior to conclusion of said motion withdrawal may be made by majority vote only.

Rule – 7 That any member, who upon request from the Chair, refuses to take his seat, shall be subject to suspension of the remainder of the deliberations.

Rule – 8 Speeches shall be limited to three (3) minutes.

Rule – 9 A motion to reconsider shall not be entertained unless made by a member who voted in the majority, and shall receive a majority vote.

## **26. OATH OF OFFICE**

The Union Oath of Office is:

*“I, \_\_\_\_\_, do hereby sincerely pledge my word to the BC Ferry & Marine Workers’ Union that I will, without evasion, truly and faithfully perform the duties of my Office in accordance with the laws of the Union. I will at all times advance and maintain the principles and established policies of the Union and abide by its Constitution and by-laws. I agree upon my retirement or resignation, to turn over to the Union any documents entrusted to my care.”*

## **27. AMENDMENTS TO BY-LAWS**

- a) Amendments may be proposed by the Local Executive or a signed petition of not less than twelve (12) Local members in good standing and presented at any Local General Meeting, to be voted on at the next General Meeting.
- b) The Local Executive will discuss and put forward a recommendation. The proposed amendment will be put forward with a notice of motion at the next General Meeting and shall be passed by a legally formed quorum.
- c) A notice of proposed amendments shall be posted seven (7) days prior to a Local Meeting.

## **28. USE OF MASCULINE AND FEMININE**

For purposes of clarification, when the term “he” or “she” is used, it is understood that the words “he” and “she” should apply and refer to persons of either sex.

## **29. MEANING OF CONTEXT**

This document shall not be voided by typographical or spelling errors, provided that the basic concept of the idea is correct and aligned with the Constitution of the BC Ferry & Marine Workers’ Union.

## **30. IRREGULARITY**

An action under these By-laws shall not be deemed invalid by reason of a defect in form, a technical irregularity or an error of procedure that does not result in a denial of natural justice.