

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

## **LOCAL 5 BY-LAWS**

### **1. PURPOSE**

- a) To unite all Local members for their mutual benefit.
- b) To conduct Local Union business under the direction of the membership within the framework of the Constitution.

### **2. AMENDMENTS**

These By-laws may be amended at any General Meeting providing a Notice of Motion has been given at a previous meeting. A two thirds majority vote, by the members present and voting, is required to amend the By-laws. Amendments are subject to approval by the Provincial Executive

### **3. USE OF MASCULINE AND FEMININE TERMS**

For clarification purposes, it is understood that the words "he" and "she" apply and refer to persons of either sex.

### **4. LOCAL EXECUTIVE**

The Local Executive shall consist of the following:

- a) The Local President
- b) The 1<sup>st</sup> Vice President
- c) The 2<sup>nd</sup> Vice President
- d) The 3<sup>rd</sup> Vice President
- e) The Secretary-Treasurer
- f) The Communications Officer
- g) The Returning Officer

All Local Executive Members shall be members of Local 5 in good standing.

### **5. DUTIES OF THE LOCAL PRESIDENT**

- a) The Local President shall be a member of the Provincial Executive.
- b) The Local President shall preside at all meetings of the Local.
- c) The Local President shall be responsible to the Provincial Executive and membership for Union activities at the Local including:
  - (i) Ensuring that each designated group of members elect a Shop Steward;
  - (ii) Assisting Shop Stewards, as required, with investigations of grievances, safety conditions, etc. as may be required.

- (iii) Appointments of Committees as required and assisting with their activities.
- (iv) Ensuring new employees join the Union.
- d) The Local President shall assign duties to the Vice President, Secretary-Treasurer, Communications Officer and Deputy Returning Officer.
- e) The Local President shall have the following information available at General Meetings:
  - (i) Current Auditors Report
  - (ii) Current Revenue and Expense Report
  - (iii) Current Local Membership List
  - (iv) Current Good and Welfare Report
  - (v) Any Additional Reports or Updates as required

**6. 1<sup>ST</sup> VICE PRESIDENT**

- (a) In the absence of the President, to assume the duties of the President.
- (b) Assist the President with his/her duties.
- (c) Where required, to organize and establish a Grievance Committee comprised of Shop Stewards and Local Executive members. The First Vice President shall ensure the Local Executive receives a monthly Grievance Status Report.
- (d) To assist Shop Stewards with the investigation of grievances, safety conditions, etc. as may be required.
- (e) To represent Shop Stewards where the Shop Steward is the grievor.
- (f) To enlist member involvement in Local Committees and project.

**7. 2<sup>ND</sup> VICE PRESIDENT**

- (a) In the absence of both 1<sup>st</sup> Vice President and President, to assume the duties of the President.
- (b) To assist the President in his/her duties.
- (c) To assist Shop Stewards with the investigation of grievances, safety conditions, etc. as may be required.
- (d) To represent Shop Stewards where the Shop Steward is the grievor.
- (e) To ensure that periodic Shop Steward Training sessions are carried out. In conjunction with the Local Executive, ensure that on-going Union Education is carried out in the Local.

**8. 3<sup>RD</sup> VICE PRESIDENT**

- (a) In the absence of the 2<sup>nd</sup> Vice President, 1<sup>st</sup> Vice President and President, to assume the duties of the President.
- (b) To assist the President with his/her duties.
- (c) To assist Shop Stewards with the investigation of grievances, safety conditions, etc. as may be required.
- (d) Oversee selected Local Committees, in particular, delegates to the Local Labour Council. To ensure that all Executive and Committee reports are received monthly as required.

**9. SECRETARY-TREASURER**

- (a) The Local Secretary-Treasurer shall keep a correct, full and impartial account of all membership meeting proceedings in a bound Minute Book. The Local Secretary-Treasurer shall forward, immediately upon completion of the meeting, a copy of all recorded Minutes to the Union Office and Local President.
- (b) In conjunction with the Communications Officer, to distribute copies of the minutes to all Locals including Earls Cove, as required.
- (c) The Secretary-Treasurer shall assist the Local President in the preparation of letters and pertinent correspondence as required.

**10. COMMUNICATIONS OFFICER**

- (a) Oversee and institute the Phone Committee. In conjunction with the Union Office and Local, ensure that the Membership list is routinely updated.
- (b) The Communications Officer shall print and distribute monthly bulletins to the Shop Stewards, informing them of current issues and events.
- (c) Assist the Secretary-Treasurer with the postings of regular bulletins, Minutes of all meetings, notices of General Meetings, etc.

**11. DEPUTY RETURNING OFFICER**

In conducting a ballot, the Deputy Returning Officer, in consultation with the Returning Officer, shall:

- (a) Decide on a central location where the Local's balloting shall take place. The Deputy Returning Officer may use mail-in ballots, when considered necessary, for Earls Cove members.
- (b) Upon consultation with the Local Executive and membership, the Deputy Returning Officer may exercise the option to conduct any vote locally as per the Constitution.
- (c) Notify the Local's membership of the time, date and location for balloting.

- (d) At the time and location where the ballot is conducted, provide a ballot box. The ballot box, after inspection by any Scrutineer present, shall be locked by the Deputy Returning Officer.
- (e) Issue each member who presents himself/herself, a ballot and an explanation of the balloting procedure.
- (f) Ensuring that each member who is given a ballot signs a signature sheet.
- (g) That a balloting booth be provided which will allow ballots to be marked in private.
- (h) Ensure that the marked ballot is placed in the locked ballot box.
- (i) On completion of the ballot, insure the signature sheet in the ballot box to be sealed and countersigned by the Deputy Returning Officer for counting.
- (j) Or, upon completion of the balloting, and in the presence of two members:
  - (i) Count the Ballots.
  - (ii) Record the results, forwarding one copy of same to the Returning Officer and one copy to the Local Secretary-Treasurer.
  - (iii) Lock the signature sheet, ballots and all other documentation in the ballot box.
  - (iv) The Deputy Returning Officer shall secure the ballot box in a suitable manner. Upon consultation with the Returning Officer and in compliance with the Union's Constitution, shall arrange for the disposition of the ballots and the ballot box.

## **12. VACANCIES IN LOCAL EXECUTIVE POSITIONS AND LABOUR COUNCIL DELEGATES**

- (a) Vacancies of a temporary nature:
  - (i) Where a temporary vacancy occurs in the position of one or more Local Executive Officers or Delegates to the Local Labour Council, the remaining Officers may share the responsibilities of that Officer or Delegate.
  - (ii) Appoint a temporary replacement for that Officer or Delegate from the Local Committee
  - (iii) In the case of a temporary vacancy in the position of President and/or 1<sup>st</sup> Vice President, the 1<sup>st</sup> Vice President and/or the 2<sup>nd</sup> Vice President and/or the 3<sup>rd</sup> Vice President will move up. The temporary vacancy to be filled will be the position of the 3<sup>rd</sup> Vice President.
- (b) Vacancies of a permanent nature:
  - (i) Where a permanent vacancy occurs, the remaining Officers will succeed. Replacement for the bottom position will be filled by appointment from the Local Committee.
  - (ii) Or, a by-election will be called for any vacated positions.

**13. TERMS OF OFFICE**

- (a) The term of office for Executive positions shall be a three year term.
- (b) Local elections shall be held in June of the final year of the term after the Provincial elections.
- (c) Names of the Local Executive shall be reported to the Union Office.

**14. LOCAL COMMITTEE**

The Local Committee shall consist of:

- (a) The Local Executive
- (b) Local Shop Stewards
- (c) Spokesperson of Local Sub Committees
- (d) Delegates to Local Trade and Labour Councils

**15. SHOP STEWARDS**

- (a) Members may volunteer and/or be appointed by Local Executives to become Shop Stewards.
- (b) If needed the Membership in the workforce **may** elect, by a majority vote, a Shop Steward to represent the membership on the work shift.
- (c) The Shop Steward shall be responsible for:
  - (i) Recruiting new employees as active Union members and encouraging them to read our Collective Agreement and Constitution.
  - (ii) Assisting members with the interpretation of the existing Collective Agreement.
  - (iii) Forwarding all grievances to the Grievance Committee who will oversee the grievance in accordance with the existing Collective Agreement.
  - (iv) Ensuring communication between the members they represent and the Local Executive.
  - (v) Informing members about General Meetings.

**16. LOCAL SUB COMMITTEES**

(a) Local Sub-Committees shall include, but not be limited to:

- (i) Good & Welfare
- (ii) Phone Committee
- (iii) Resolutions Committee
- (iv) Grievance Committee
- (v) Casual Committee
- (vi) Complaints/Accusations Committee

(b) The Spokesperson for each of the Sub-Committees shall provide the Secretary-Treasurer with an update for the next General Meeting.

**17. DELEGATES TO THE LOCAL TRADE AND LABOUR COUNCILS**

(a) The 3<sup>rd</sup> Vice President of the Local shall be a Delegate by Right to the Trade and Labour Council to which the Local is affiliated.

(b) Upon consultation with the Executive, the Executive shall appoint two additional Delegates for a total of three Delegates. Delegates shall be governed by the Constitution and Union policy.

(c) The Delegates shall update the 3<sup>rd</sup> Vice President as required.

**18. MEETING**

(a) Where possible, General Membership Meetings will be held on the first Tuesday of a month.

(b) There will be a minimum of three General Membership Meetings per year.

(c) Special General Meetings shall be called from time to time by either the President or Executive, as need arises.

(d) The Local Executive shall meet not less than ten times per year.

(e) The Local Committee should meet no less than six times per year.

(f) Any Local Meeting can be combined where convenient.

(g) The times, location and number of sessions for any of the Local's meeting will be convened in a manner as to allow the maximum number of members the opportunity to attend.

(h) The Time, Date and Agenda for the meeting shall be distributed and/or posted as early before the meeting as practicable.

(i) Local Sub-Committees should converse each month by telephone, email, memo or whatever form is practicable to the needs of each Committee.

**19. RULES GOVERNING MEETINGS**

The rules governing meetings shall be the most current revision of BOURINOT'S RULES OF ORDER. All members will be provided with a simplified guideline, pertaining to Parliamentary Procedure upon request.

- (a) A quorum at a General Meeting shall be ten members. A quorum shall be the total of ten members counted over both the morning and afternoon sessions.
- (b) Any meeting not having a quorum will be conducted as normal with the exception that, any Motions passed at such meeting will be considered a suggestion and not the will of the Local.

**20. EARLS COVE**

(a) The members working at Earls Cove fall under the jurisdiction of this Local, however, due to its geographical location, must be classified as such, therefore:

- (i) The members regularly working at Earls Cove shall be issued mail-in ballots, whenever possible, when voting takes place in the Local, Fleetwide and on Referendums.
- (ii) The Local Executive shall communicate requests of Earls Cove members to the Union's Returning Officer.
- (iii) The Local and Local Executive shall make every effort to ensure those members are kept up to date with current issues.

**21. BY-LAWS FOR LOCAL SUB-COMMITTEES**

- (a) Local Sub-Committees shall draft Terms of Reference pertinent to the specific function of that Committee.
- (b) After approval by the General Membership and Executive, the Terms of Reference mentioned above, (a), shall become part of these by-laws.