



# **CONSTITUTIONAL CONVENTION**

April 10 - 12, 2018

## **Constitutional Resolutions**



**Constitutional Resolution #1  
Covering Resolution # 2 and # 3**

**BCFMWU Constitution Page 1  
Article 1  
AMEND**

**Local 3**

**BECAUSE:** The name of the Union sounds like we are attached to the Company.

**THE BCFMWU WILL: Amend** ARTICLE 1 - NAME

This organization is known as ~~BC Ferry & Marine Workers' Union~~ **Pacific Coast Maritime Union** and is referred to as the "Union." The terms "~~Ferry Worker~~" "~~BCFMWU~~" "**PCMU**" are **is a** recognized shortened forms of the official name.

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Changing the name of the Union would consist of making changes to the Union website, redesign of logo, building sign, logo items, business cards, letterhead, cheques, envelopes, pins, tents/banners and flags, legal costs and other miscellaneous items. The cost of rebranding comes with a significant price that we have conservatively estimated in excess of \$100,000.

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 2  
Covered by Resolution # 1**

**Article 1**

**Local 13**

**BECAUSE:** The name of the Union sounds like we are attached to the Company.

**THE BCFMWU WILL:** The name of the Union will read as PCMU "Pacific Coast Maritime Union".

**Constitutional Resolution # 3  
Covered by Resolution # 1**

**Article 1**

**Local 4**

**BECAUSE:** BCFMWU is too long and has the Company name in the Union name.

**THE BCFMWU WILL:** This organization is known as Ferry and Marine Workers' Union and is referred to as the "Union". The terms "Ferry Worker" and "FMWU" are recognized shortened forms of the official name.

**Constitutional Resolution # 4**

**BCFMWU Constitution Page 7  
Article 6  
DELETE/NEW**

**Provincial Executive**

**BECAUSE:** All of our members should be afforded the following: The ability to press charges without conflict of interest, real or perceived; the right to a fair, timely and professional trial without obstruction; and, protections against frivolous and vexatious charges.

**BECAUSE:** Article 6 currently is incredibly difficult to operate, particularly given issues around conflict of interest and having an adversarial disciplinary committee structure made up of members who may have difficulty finding time for the trial process, be unfamiliar with the trial process, and unfamiliar with the tenets of natural justice.

**THE BCFMWU WILL: Amend ARTICLE 6**

**ARTICLE 6 – CHARGES, TRIALS AND APPEALS**

**Section 1 – Offences**

- (a) Members may be reprimanded, fined, suspended or expelled by the Union in the manner provided in this Constitution for any of the following acts:
- (a) (i) ~~Willfully violates the Constitution of the Union~~ **violating sections of the Union’s Constitution, By-laws or Policy not considered below;**
  - (b) (ii) ~~Obtains~~ **Obtaining** membership through fraudulent means or by misrepresentation;
  - (c) (iii) ~~Institutes~~ **Instituting** any action, suit or proceeding in any court or before any administrative body against the Union or any Union Officer without first exhausting all remedies provided for in the Constitution ~~for appeal;~~
  - (d) (iv) ~~Advocates~~ **Advocating** or ~~solicits~~ **soliciting** membership in a rival another union or attempting to transfer the affiliation of any group within the bargaining unit from the jurisdiction of the Union;

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

- (e) ~~(v)~~ Fraudulently receives **receiving** or misappropriates **misappropriating** money or property of the Union;
- (f) ~~(vi)~~ Uses **Using**, without authority, the name of the Union for soliciting funds or advertising;
- (g) ~~(vii)~~ Provides a complete or partial membership list to persons other than those whose official business requires such a list; **Providing personal information about any union members to any third party, without the consent of the President or Provincial Executive;**
- (h) ~~(viii)~~ Wrongfully interferes **interfering** with any Officer or any accredited Representative of the Union in the discharge of his/her **their** duties;
- (i) ~~(ix)~~ Circulates **Circulating** reports designed or calculated to injure or weaken the Union;
- (j) ~~(x)~~ Disobeys **Disobeying** or willfully fails **failing** to comply with any decision or order of the Union;
- (k) ~~(xi)~~ Crosses a picket line;
- (l) ~~(xii)~~ Refuses **Refusing** to participate in picket duty;
- (m) ~~(xiii)~~ Violates **Violating** the Code of Conduct while representing the Union and/or attending a Union function;
- (n) ~~(xiv)~~ Willfully violates **violating** the terms of the Collective Agreement as to wages, hours, benefits or working conditions or orders **ordering** or coerces **coercing** any other member to work in violation of the terms of the Collective Agreement;
- (o) ~~(xv)~~ No member may sit **Sitting** in any elected or appointed position of the BCFMWU and simultaneously forming **forming** or cause **causing** to be formed a body intended to or capable of competing with the BCFMWU for the right to represent BCFMWU members. Such action shall be **A breach of this provision shall constitute** just cause for their removal **removing a member** from all Union representative activity and less **any** of their elected and/or appointed posts;
- (p) ~~(xvi)~~ No member sitting in any elected or appointed position of the BCFMWU shall **and** simultaneously sitting **sitting** in an appointed or elected position on any body intended to or capable of competing with the BCFMWU for the right to represent BCFMWU members. Such action **A breach of this provision shall be constitute** just cause for their

- removal **removing a member** from all Union representative activity and ~~loss of their any~~ elected and/or appointed posts;
- (q) ~~(xvi) Willfully refuses~~ **Refusing** to pay ~~dues to the Union~~ any properly established dues or assessments, or **any** other valid financial obligations ~~to the Union~~;
- (r) ~~(xvii) Works~~ **Crossing or working** behind a picket line or during a work stoppage when under no legal duty to do so, without proper Union authorization;
- (s) ~~(xviii) Engages~~ **Engaging** in acts which tend to hinder the execution of a properly recognized and authorized labour dispute conducted by the Union;
- (t) ~~(xix) Lays~~ **Laying** frivolous, vexatious or repeated unfounded charges against any ~~Officer~~ **member** of the Union; or
- (u) ~~(xx) Maliciously, falsely or otherwise defames~~ **defaming** an Officer or member of the Union.
- (v) **(b)** Notwithstanding any of the above, no Union Official or member can be disciplined under this Article for complying with a legal obligation that is in conflict with this Constitution.

## **Section 2 – General Provisions**

- (a) ~~Any person, who is subject to charges, shall be judged in a just and impartial manner in accordance with the provisions of the Constitution.~~
- (b) ~~The accused, hereafter referred to as the respondent, and the person(s) laying the charge, hereafter referred to as the complainant, shall have the right to be represented at all times and at any step by an advocate provided the latter is a member of the Union.~~
- (c) ~~At any time in the process, the respondent and the complainant may agree to a mediated settlement, the mediator to be mutually agreed. Time limits may be amended during the mediation process, but, should mediation fail, the process set out in this Article shall resume at the stage at which it was suspended.~~
- (d) ~~In the case where a hearing has to be held, the complainant and the respondent shall be present:~~
- ~~i. — If the complainant is absent the charge is deemed to be abandoned.~~

- ii. ~~If the respondent is absent, the hearing shall proceed as scheduled.~~
- (e) ~~Once the charges have been laid, any time limits stipulated in the Article may be extended by mutual consent of the respondent and complainants, or by decision of the appropriate authority should it deem proper or for a reasonable motive.~~
- (f) ~~It shall be the duty of any member summoned to testify before a Disciplinary Committee hearing or appeal to answer all questions relevant to the charge.~~
- (g) ~~Any decision issued by the Disciplinary Committee shall be immediately enforceable until reversed by an appeal authority.~~
- (h) ~~When charges are laid against an elected official, the Provincial Executive may suspend the respondent from office and appoint a substitute until his/her case is resolved. Such suspension does not imply pre-judgement of the case.~~
- (i) ~~No recourse may be sought because of actions performed in good faith under the provisions of the Article.~~

## **Section 2 - Arbiters**

- (a) The Provincial Executive will keep current a roster of five arbiters composed of labour lawyers and/or labour arbitrators.**
- (b) Arbiters will be appointed to the roster for a five year term, by way of a decision of the Provincial Executive.**
- (c) Arbiters may only be removed from the roster, prior to the expiry of their term, by way of a two-thirds vote of the Provincial Executive.**
- (d) When an arbiter is required to make a decision under this Constitution, the Union shall appoint the next Arbiter from the roster under subparagraph (a), following the most recently retained individual, subject to their reasonable availability.**

## **Section 3 – Procedure for Laying a Charge**

- (a) Any charge shall:
  - i. ~~Be in writing.~~
  - ii. ~~Be duly signed by complainant.~~

- iii. ~~Refer to the Article of the Constitution, By-laws or Policy allegedly being violated.~~
  - iv. ~~State in a specific and clear manner the facts giving rise to the charge so as to allow the respondent to enter a full and complete defence.~~
- (b) ~~Failure to follow Section 3 (a) shall cause a dismissal of the charge.~~
- (c) ~~A charge must be filed with the President, Provincial Executive Officer and Trustees of the Union within sixty (60) days of knowledge of the event giving rise to the charge.~~
- (d) ~~The President, Provincial Executive Officer or Trustees shall forward to the respondent and complainant by registered mail or in person:~~
- i. ~~A true copy of the charges including the date of filing and,~~
  - ii. ~~A notice giving a summary of the procedure to be followed in the conduct of the affair.~~

### **Section 3 – General Provisions**

- (a) When charges are laid against an elected official, the Provincial Executive may suspend the respondent from office and appoint a substitute until their case is resolved. Such suspension does not imply pre-judgement of the case.**
- (b) Any person who is a party to a proceeding under this Article, and is responsible for any part of the administration of this Article, must recuse themselves from any and all administrative responsibilities with respect to the proceeding in question.**
- (c) In addition to any penalty resulting from a trial of the matter, a member who is caught working behind a picket line without proper Union authorization shall be summarily fined \$1000 per offense. These fines may be disputed by written appeal to the Provincial Executive per Section 7 (b) through (d).**

### **Section 4 – Disciplinary Committee and Disciplinary Hearings**

- (a) ~~A Disciplinary Committee of three (3) members in good standing shall be convened to address the charges as follows:~~
- i. ~~Immediately upon receipt of the true copy referred to in Section 3 d (i), the respondent and person(s) laying the charge shall each select one member of the Disciplinary Committee. Should either the respondent or~~

- complainant fail to select a member of the Disciplinary Committee, the Trustees shall appoint that member.
- ii. The two (2) Disciplinary Committee members shall choose the third member of the Committee who shall be the Chairperson. If they are unable to come to an agreement, the Trustees shall appoint the Chairperson.
- (b) The Disciplinary Committee shall examine the statement of charge as soon as it has been submitted to the Committee. It shall first decide on the admissibility of the charge in all aspects including; timeliness, irregularities as per Section 3 (a), and its frivolous or vexatious character and either accept the charge for further investigation or dismiss it accordingly.
- (c) If the Disciplinary Committee accepts the charge for further investigation, it shall then give the respondent and complainant an opportunity to express their arguments on the merit of the case in the manner it deems appropriate. It may make its decision based on written submissions of the parties involved.
- (d) If the Disciplinary Committee deems a hearing to be necessary:
- i. It shall set a time and place for a hearing not less than fourteen (14) days after the date at which the Committee was convened.
  - ii. It shall not be required to follow the rules of evidence applicable to civil matters but may inquire about the facts in a manner it deems acceptable and appropriate.
  - iii. It shall give the respondent and complainant reasonable time to present their case. The respondent and complainant shall have the right to introduce evidence by any means deemed acceptable to the Disciplinary Committee.
  - iv. It shall ensure that the burden of proof rests with complainant.
  - v. It shall review the evidence introduced and decide to accept or reject the charge on the basis of the evidence received.
  - vi. It shall render its decision to the respondent, complainant and the Provincial Executive, within ninety (90) days of the initial submission to the Disciplinary Committee. The decision shall include a written summary of the reasons for its decision and any punishment imposed.

#### **Section 4 - Procedure for Laying a Charge**

**(a) Any charge shall:**

- i. Be in writing.**
- ii. Be duly signed by complainant.**
- iii. State in a specific and clear manner the facts giving rise to the charge so as to allow the respondent to enter a full and complete defence.**

**iv. Identify the specific Articles of the Constitution, By-laws or Policy allegedly being violated.**

- (b) A charge must be filed with the President within sixty (60) days of knowledge of the event giving rise to the charge. If the President is named in the charges, the charges may be filed with another Provincial Executive Officer. If all Provincial Executive Officers are named in the charges, the matter will be referred directly to an Arbiter.**
- (c) A party who fails to provide the required information may be permitted to re-file the charges in their proper form. Where such allowance is made, the timeline under paragraph (b) continues to apply.**
- (d) If an individual believes charges have been laid against them for frivolous and/or vexatious reasons, they must provide notice of their intention to bring countercharges, pursuant to Article 6(1)(a)(xix), at least ten business days prior to the trial of the charges brought against them.**

### **Section 5- Punishment**

- ~~(a) Should the Disciplinary Committee uphold the charges, it may impose:
  - ~~i. A reprimand;~~
  - ~~ii. A fine;~~
  - ~~iii. A suspension from membership of the respondent for a time period deemed appropriate;~~
  - ~~iv. The expulsion of the respondent from the Union; or~~
  - ~~v. Any disciplinary measure deemed just and equitable in view of all circumstances.~~~~
- ~~(b) If the respondent holds elective office the Disciplinary Committee may, in addition to any other penalty, remove the respondent from office.~~

### **Section 5 – Processing of Charges**

#### ***Prima Facie Case (or First Sight Case)***

- (a) Upon receipt of filed charges, the three senior Provincial Executive Officers shall determine whether the charges disclose a first sight breach of the Union’s Constitution & Bylaws. A first sight case is established where the allegations, if proven, would constitute a violation of the Constitution, By-Laws, or Policy. If the panel finds there is no first sight breach, the charges will be dismissed without a hearing. The panel may consider whether the charges were laid for frivolous or**

**vexatious reasons, and may provide its opinion in its decision. Such opinion is not a final determination and will not constitute cause for discipline without a hearing into the matter. Should there be no successful appeal, this decision shall be reported to the Provincial Executive.**

- (b) If any of the Officers listed in (a) are in a position of conflict with respect to the determination under paragraph (a), their position will be filled by the next most senior Provincial Executive Officer not named in the charges.**
- (c) Should the charges name three or more Provincial Executive Officers, the first sight determination will be referred directly to an Arbiter, whose decision shall be final. The costs of such referral, not inclusive of any appeals, shall be borne by the Union.**
- (d) Decisions under paragraphs (a) and (b) must be communicated to the complainant and respondent within 30 days of being made.**
- (e) A decision under paragraphs (a) and (b) may be appealed to the next arbiter from the roster in Section 2 of this Article. A party seeking to appeal a decision under paragraphs (a) and (b) must give notice of its intention to the President, in writing, within 15 days of the decision being appealed. The President will refer the matter to the arbiter.**
- (f) If the arbiter dismisses the appeal, this decision and the costs of the appeal shall be reported to the Provincial Executive who may charge back any portion of those costs to the appellant.**

#### **~~Section 6 – Appeals of the Decision of the Disciplinary Committee~~**

- ~~(a) The respondent or complainant may appeal a decision of the Disciplinary Committee to either the Trustees or the C.L.C. Ombudsperson whose decision shall be final and binding.~~
- ~~(b) The appeal shall be initiated through a written notice to the Union office filed within thirty (30) days of the decision rendered.~~
- ~~(c) The notice of appeal shall include:
  - ~~i. The decision which is the object of the appeal;~~
  - ~~ii. The date of the decision rendered;~~
  - ~~iii. The date of receipt of the decision rendered;~~
  - ~~iv. A short summary of the reasons for the appeal;~~
  - ~~v. The remedy sought.~~~~

- (d) Upon receipt of the appeal, the Trustees shall determine the validity of the appeal in the same manner as employed by the Disciplinary Committee in Section 4.
- (e) If the C.L.C. Ombudsperson is selected to rule on the appeal, the procedure followed will be that utilized by the C.L.C.

### **Section 6 – Trial Process**

- (a) **The Arbiter will have the power and discretion to determine all procedures for the hearing, provided such discretion is exercised in a way that respects the parties' rights to natural justice, pursuant to Section 10 of the *Labour Relations Code*.**
- (b) **The Arbiter shall consider and rule on any counter charges laid per Article 6 (1) (a) (xix) for the hearing.**

### **Section 7 – Penalty**

- (a) **Should the Arbiter uphold the charges, they may:**
  - i. **Recoup any or all costs of the hearing on behalf of the Union;**
  - ii. **Impose a fine;**
  - iii. **Suspend the respondent's Union membership;**
  - iv. **Remove the respondent from elected office;**
  - v. **Expel the respondent from the Union; and/or**
  - vi. **Impose any disciplinary measure they deem just and equitable in view of all circumstances.**
- (b) **Should the Arbiter dismiss the charges and find they were laid for frivolous and/or vexatious reasons, contrary to Article 6(1)(a)(xix), the Complainant shall be charged back all costs associated with the hearing including, but not limited to, the Arbiter's reasonable costs and disbursements, and any rentals of equipment and/or space for the conduct of the hearing. This shall be in addition to any penalty imposed on them for breaching this Constitution.**

### **Section 8 - Appeals**

- (a) **The respondent or complainant may appeal a decision of the Arbiter to the Provincial Executive.**
- (b) **The appeal shall be initiated through a written notice to the President, filed within thirty (30) days of the decision rendered.**

**(c) The notice of appeal shall include:**

- i. A copy of the decision which is the object of the appeal;**
- ii. A short summary of the reasons for the appeal;**
- iii. The remedy sought.**

**(d) A successful appeal under this section requires a two-thirds vote of the Provincial Executive, whereby the matter shall be referred to an arbiter per Section 2 and proceed per Sections 6 and 7. Their decision shall be considered final.**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

**Constitutional Resolution # 5**

**BCFMWU Constitution Page 15**

**Article 8.2 (d)**

**NEW**

**Local 3**

**BECAUSE:** All members and bodies within the Union shall adhere to the clear process of receiving direction from the membership by means of resolutions from the Locals and the incumbent Provincial Executive.

**THE BCFMWU WILL: New** ARTICLE 8 – CONVENTION AND BARGAINING CONFERENCE Section 2 - Purpose of a Triennial Convention (d)

**(d) A Special Convention shall not deal with making any constitutional changes within 180 days of the Triennial Convention.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Unclear of intent. If it were to pass, cannot be enforced until 180 days prior to 2021 Convention.

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**Delegates Vote on Resolution**

**Date:**

**Time:**

**AGREE [ ]**

**DISAGREE [ ]**



**Constitutional Resolution # 6  
Covering Resolution # 7 and # 8**

**BCFMWU Constitution Page 20  
Article 9.1 (b)  
NEW**

**Local 4**

**BECAUSE:** The Provincial Executive needs to remain accountable to the membership between conventions.

**THE BCFMWU WILL: Add New** ARTICLE 9 – PROVINCIAL EXECUTIVE Section 1 – Governing Authority of the Union (b)

**(b) Any Union member in good standing shall have the right to ask the Provincial Executive which clause of the Constitution was interpreted in reaching a decision. The Provincial Executive shall provide such member with the clause as well as its interpretation of the clause within 7 days of written request from a member to do so.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Language of the resolution and intent is unclear. It is not practicable to reply within seven (7) days as a call to convene the Provincial Executive would be in order; currently they meet once a month.

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 7  
Covered by Resolution # 6**

**Article 9.1(a) NEW**

**Local 3**

**BECAUSE:** To ensure accountability to the members.

**THE BCFMWU WILL:** Article 9 Section 1 (a) shall be created

- (a) Any member of the Union shall have the right to ask any member of the Provincial Executive which clause of the Constitution has been interpreted in reaching any decision of the Union. The Provincial Executive shall provide the members with the Article that was interpreted as well as the official interpretation used by the Provincial Executive within five (5) days of a written request to the Secretary-Treasurer.

**Constitutional Resolution # 8  
Covered by Resolution # 6**

**Article 9.1 (a) NEW**

**Local 13**

**BECAUSE:** To ensure accountability to the members.

**THE BCFMWU WILL:** Article 9 Section 1 (a) shall be created

- (a) Any member of the Union shall have the right to ask any member of the Provincial Executive which clause of the Constitution has been interpreted in reaching any decision of the Union. The Provincial Executive shall provide the members with the Article that was interpreted as well as the official interpretation used by the Provincial Executive within five (5) days of a written request to the Secretary-Treasurer.

**Constitutional Resolution # 9**

**BCFMWU Constitution Page 20  
Article 9.2 (c)  
NEW**

**Local 8**

**BECAUSE:** A conflict of interest between the Union and BCFS, in the interest of preserving integrity of process:

**THE BCFMWU WILL: Add New** ARTICLE 9 – PROVINCIAL EXECUTIVE  
Section 2 – Terms of Office (c)

**(c) A Provincial Executive President, SOC President and Deas Dock President after a three (3) year term shall not take up any excluded positions at BCFS for three years.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Not enforceable.

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 10  
Covering Resolution # 11**

**BCFMWU Constitution Page 21  
Article 9.5 (a)  
AMEND**

**Local 3**

**BECAUSE:** It would be a great cost saving to the Union and encourage a higher frequency of meetings at the Local levels.

**THE BCFMWU WILL: Amend** ARTICLE 9 – PROVINCIAL EXECUTIVE Section 5 – Meetings (a)

- (a) The Provincial Executive shall meet a ~~minimum of nine (9) times per calendar year~~ **maximum of five times per year** at such time and place the members thereof determine, or more often if necessary or as summoned by the direction of President, Provincial Executive Officer.

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Gives Provincial President more power between meetings and less accountability. Cost savings is not clear as many meetings would turn into multiple days involving extra book offs, hotel and associated per diems.

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 11  
Covered by Resolution # 10**

**Article 9.1(a)**

**Local 13**

**BECAUSE:** It would be a great cost saving to the Union and encourage a higher frequency of meetings at the Local levels.

**THE BCFMWU WILL:** Amended Article 9 Section 5 (a) to read:

- (a) The Provincial Executive shall meet a maximum of five times per year at such time and place the members there of determine, or more often if necessary or as summoned by the direction of President, Provincial Returning Officer.

**Constitutional Resolution # 12  
Covering Resolution # 13**

**BCFMWU Constitution Page 23  
Article 9.8 (a) (i)  
AMEND**

**Provincial Executive**

**BECAUSE:** To clarify language in Article 9 Section 8 (a)(i)

**THE BCFMWU WILL: Amend** ARTICLE 9 – PROVINCIAL EXECUTIVE  
Section 8 – President, Provincial Executive Officer (a) (i)

Section 8 -President, Provincial Executive Officer

- (i) The salary of the President, Provincial Executive Officer of the BC Ferry & Marine Workers' Union shall be \$101,268, with increases equal to those negotiated between the BCFMWU and BC Ferry Services Inc., **as of April 2012.**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 13  
Covered by Resolution # 12**

**Article 9.8 (i)**

**Local 2**

**BECAUSE:** Current wording of the Constitution regarding President's salary is unclear.

**THE BCFMWU WILL:** amend Article 9 Section 8 (i) to read:

- (i) The salary of the Provincial President of the BCFMWU shall be equal to that of the highest paid position within the bargaining unit or the elected members existing salary, whichever is greater.

**Constitutional Resolution # 14  
Covering Resolution # 15**

**BCFMWU Constitution Page 23  
Article 9.8 (a) (ii)  
AMEND**

**Local 3**

**BECAUSE:** Article to be amended to allow membership participation and complete transparency in determining the Provincial Executive Officer's contract.

**THE BCFMWU WILL: Amend** ARTICLE 9 – PROVINCIAL EXECUTIVE  
Section 8 – President, Provincial Executive Officer (a) (ii)

**No less than forty-five (45) days** prior to the close of nomination for the position of President, Provincial Executive Officer, the contract with compensation details agreed upon by the Provincial Executive for the upcoming term, ~~will be made available~~ **shall be presented at a regular meeting of each Local.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Compensation details are available at any time with a call or email to the Union Office through the Office Manager.

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 15  
Covered by Resolution # 14**

**Article 9.8 a(ii)**

**Local 13**

**BECAUSE:** Article to be amended to allow membership participation and complete transparency in determining the Provincial Executive Officer's contract.

**THE BCFMWU WILL:**

No less than forty-five (45) days prior to the close of nomination for the position of President, Provincial Executive Officer, the contract with compensation details agreed upon by the Provincial Executive for the upcoming term, shall be presented at a regular meeting of each Local.

**Constitutional Resolution # 16  
Covering Resolution # 17 and # 18**

**BCFMWU Constitution Page 25  
Article 9.10 (a)  
DELETE AND ADD NEW**

**Local 1**

**BECAUSE:** Other unions have full-time Secretary-Treasurers to oversee their financial operations. We need enough incentive to attract our best members to consider moving to Nanaimo. We need enough incentive to attract our best members for this vitally important role. The financial strength and integrity of this Union has to be of paramount importance to our members.

**THE BCFMWU WILL: Strike current Article in its entirety and add new  
ARTICLE 9 - PROVINCIAL EXECUTIVE Section 10 - Secretary-Treasurer,  
Provincial Executive Officer (a)**

- (a) The Secretary Treasurer, Provincial Executive Officer shall be a full time Provincial Executive Officer of the Union, managing financial operations and has the authority to conduct the affairs of the Union between meetings as directed by the Provincial Executive.**
- (i) The salary of the Secretary-Treasurer, Provincial Officer of the BC Ferry & Marine Workers' Union shall be the highest rate of substitution for which the member is qualified, plus a premium of 15% not exceeding 80% of the salary of the President, Provincial Executive Officer.**
  - (ii) The Secretary -Treasurer Provincial Executive Officer shall be entitled to vote on all matters before the Union, including the election of the Provincial Executive.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Full time hours specified in this recommendation do not meet actual current book off days for the Secretary-Treasurer duties, and therefore a full time position is not warranted. An elected position will not always bring a qualified candidate.

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 17  
Covered by Resolution # 16**

**Article 9.10 (o) NEW**

**Local 3**

**BECAUSE:** In Article 9 Section 10, the Provincial Secretary-Treasurer is not a paid position of the Provincial Executive.

**THE BCFMWU WILL:** Add Article 9 Section 10 item (o):  
The Provincial Secretary-Treasurer shall be a full time paid position of the Provincial Executive and the salary of the Provincial Secretary-Treasurer will be negotiated by the delegates.

**Constitutional Resolution # 18  
Covered by Resolution # 16**

**Article 9.10 (o) NEW**

**Local 13**

**BECAUSE:** In Article 9 Section 10, the Provincial Secretary-Treasurer is not a paid position of the Provincial Executive.

**THE BCFMWU WILL:** Add Article 9 Section 10 item (o):  
The Provincial Secretary-Treasurer shall be a full time paid position of the Provincial Executive and the salary of the Provincial Secretary-Treasurer will be negotiated by the delegates.

**Constitutional Resolution # 19**

**BCFMWU Constitution Page 26  
Article 9.10 (j)  
AMEND**

**Provincial Executive**

**BECAUSE:** The finances of the Union should be held by the Provincial Executive, not through the President to the Provincial Executive.

**BECAUSE:** This language brings us into line with the best practice of other unions.

**THE BCFMWU WILL: Amend** ARTICLE 9 PROVINCIAL EXECUTIVE Section 10 –Secretary-Treasurer, Provincial Executive Officer (j)

- (j) The Secretary-Treasurer, Provincial Executive Officer of the Union shall be responsible to the ~~President~~, Provincial Executive Officer for all financial administrative matters and shall ensure the required books are maintained, showing all revenue and expenses.

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 20**

**BCFMWU Constitution Page 27  
Article 10.1  
NEW**

**Provincial Executive**

**BECAUSE:** There is no Grievance Appeal Process in the Constitution.

**THE BCFMWU WILL: Add New** ARTICLE 10 – COMMITTEES Section 1 –  
Establishment (p)

**(p) Grievance Appeal Committee**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Provincial Executive**

**BECAUSE:** There is no Grievance Appeal Process in the Constitution.

**THE BCFMWU WILL:** Add New ARTICLE 10 – COMMITTEES Section 11 – Grievance Appeal Process

**Section 11 – Grievance Appeal Process**

- (a) The Grievance Appeal Committee shall be comprised of the Provincial President, SOC President, Deas Dock Component President, and the affected Local President, or a designate. The Grievance Appeal Committee shall meet as needed prior to Provincial Executive meeting or as otherwise directed by the Provincial Executive.**
- (b) Grievance Appeals at Steps 1 & 2:**  
**If Local bylaws are silent on a grievance appeals process the grievance appeal will be reviewed by the assigned designate. Local appeals may be filed through the Local President or Union Office, care of the Local President.**
- (c) Grievance Appeals at Step 3:**
  - i. The member or affected Local President may appeal the decision of their designated representative to the Provincial President in writing within seven (7) business days of being notified of the decision.**
  - ii. The Provincial President or designate will initiate a review of the decision which will be given to the Grievance Appeals Committee within 30 days of the member’s appeal. This review will only assess if the decision of the designated representative was arbitrary, discriminatory or in bad faith.**
  - iii. The Grievance Appeals Committee will provide a recommendation at the next Provincial Executive meeting whether to proceed to arbitration, investigate further, or not proceed. The decision on an appeal shall not remain outstanding for more than two consecutive Provincial Executive meetings. Decision of the Provincial Executive will be considered final.**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 22**

**BCFMWU Constitution Page 27**

**Article 10.1**

**AMEND**

**Local 2**

**BECAUSE:** Other unions and progressive organizations have recognized unsuitable representation in both women's and equity groups by reconfiguring their governing documents.

**THE BCFMWU WILL: Amend** ARTICLE 10 - COMMITTEES

Section 1 – Establishment (n)

(n) ~~Human Rights Committee~~ **Committee for Equality and Social Action**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: 'Committee for Equality and Social Action' wording is less empowering than 'Human Rights Committee'.

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**Delegates Vote on Resolution**

**Date:**

**Time:**

**AGREE [ ]**

**DISAGREE [ ]**



**Constitutional Resolution # 23  
Covering Resolution #24**

**BCFMWU Constitution Page 27  
Article 10.1 (p)  
NEW**

**Local 17**

**BECAUSE:** The Union is committed to creating and maintaining a working environment based on dignity and mutual respect, free from harassment.

**THE BCFMWU WILL: Add New** ARTICLE 10 Section 1 - Establishment (p)

**(p) Women's Committee**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 24  
Covered by Resolution # 23**

**Article 10.1 (p)  
NEW**

**Local 2**

**BECAUSE:** Other unions and progressive organizations have recognized unsuitable representation in both women's and equity groups by reconfiguring their governing documents.

**THE BCFMWU WILL:** Add Article 10 Section 1 (p)

(p) Women' Committee

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 25**

**BCFMWU Constitution Page 29  
Article 10.6 (a)  
ADD NEW**

**Local 2**

**BECAUSE:** Commercial Service Workers have no representation as it relates to bargaining and related committees.

**THE BCFMWU WILL: Add New** ARTICLE 10 – COMMITTEES  
Section 6 – Bargaining Resolutions Committee (a)

(a) The Bargaining Resolutions Committee will include but not be limited to the following:

- One (1) Ships' Officers' Deck Officer
- One (1) member from the Engineering Department
- One (1) member from Casual Employees
- One (1) member from the Catering Department
- One (1) member from the Deck Department
- One (1) member from Clerical Staff
- One (1) Ships' Officers' Engineering Officer
- One (1) member from Terminal Staff
- One (1) member from Trades
- One (1) member from Commercial Services Division**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 26  
Covering Resolution # 27, # 28 and # 29**

**BCFMWU Constitution Page 35  
Article 12.2 (b)  
AMEND**

**Local 4**

**BECAUSE:** The external audit should be directed by the Union's financial oversight; Article 12 Section 2 (b) shall be amended.

**THE BCFMWU WILL: Amend** ARTICLE 12 - BOARD OF TRUSTEES  
Section 2 – Duties of Trustees (b)

(b) The Board of Trustees shall cause an audit of the books of the Union for the period ending May 31 of each fiscal year and shall prepare their report for ~~distribution to the Union membership meeting~~ **and they shall direct the auditors who shall make an annual audit of all the books and accounts of the Union and render a report to the Provincial Executive and Convention.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: It is not practicable to have lay people, without relevant training, direct auditors and it will usurp authority of governing body of the Union between Conventions.

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 27  
Covered by Resolution # 26**

**Article 12.2 (b)**

**Local 5**

**BECAUSE:** The Board of Trustees, as the apolitical financial oversight of the Union should be the only body dealing with the independent audit of the Union's finances.

**THE BCFMWU WILL:** Amend Article 12 Section 2 (b)

The Board of Trustees shall cause an audit of the books of the Union for the period ending May 31 of each fiscal year and they shall appoint auditors who shall make an annual audit of all the books and accounts of the Union and render a report to the Board of Trustees at the end of each fiscal year. The Board of Trustees shall present the auditor's report to the Provincial Executive. The Board of Trustees shall prepare their report for distribution to the Union membership meeting and Convention.

**Constitutional Resolution # 28  
Covered by Resolution # 26**

**Article 12.2 (b)**

**Local 3**

**BECAUSE:** The Board of Trustees should be the only body dealing with the independent audit of the Union's finances.

**THE BCFMWU WILL:** Amend Article 12 Section 2 (b):

The Board of Trustees shall cause an audit of the finances of the Union for the period ending May 31 of each fiscal year. The Board of Trustees shall present the auditor's report to the Provincial Executive. The Board of Trustees shall prepare their report for distribution to the Union membership meeting and Convention.

**Constitutional Resolution # 29  
Covered by Resolution # 26**

**Article 12.2(b)**

**Local 13**

**BECAUSE:** The Board of Trustees should be the only body dealing with the independent audit of the Union's finances.

**THE BCFMWU WILL:** Amend Article 12 Section 2 (b):

The Board of Trustees shall cause an audit of the finances of the Union for the period ending May 31 of each fiscal year. The Board of Trustees shall present the auditor's report to the Provincial Executive. The Board of Trustees shall prepare their report for distribution to the Union membership meeting and Convention.

**Constitutional Resolution # 30  
Covering Resolution # 31, # 32 and # 33**

**BCFMWU Constitution Page 36  
Article 12.3  
NEW**

**Local 5**

**BECAUSE:** The Board of Trustees is responsible for overseeing the Union's finances.

**THE BCFMWU WILL: Add New** ARTICLE 12 – BOARD OF TRUSTEES  
Section 3 - Training

**Section 3 - Training**

**Training for all members of the Board of Trustees shall be made available at the Union's expense. Training shall encompass the following areas: chairing a meeting, Bourinot's Rules of Order, effective communication.**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 31  
Covered by Resolution # 30**

**Article 12.3**

**Local 4**

**BECAUSE:** The Board of Trustees are a Board, having meetings and reviewing the Union's finances, Article 12 Section 3 shall be created.

**THE BCFMWU WILL: Add Article 12 Section 3**

Training for all members of the Board of Trustees shall be made available at the Union's Expense. Training shall encompass the following areas: Chairing a meeting, Bourinot's Rules of Order, effective communication, administration and financial accounting.

**Constitutional Resolution # 32  
Covered by Resolution # 30**

**Article 12.3**

**Local 3**

**BECAUSE:** It is in the best interest of the Union to have well trained Trustees.

**THE BCFMWU WILL:**

Training for all member of the Board of Trustees shall be made available at the Unions expense. Training shall encompass: chairing a meeting, Bourinot's Rules of Order, effective communication, administration and any training the Secretary-Treasurer receives.

**Constitutional Resolution # 33  
Covered by Resolution # 30**

**Article 12.3**

**Local 13**

**BECAUSE:** It is in the best interest of the Union to have well trained Trustees.

**THE BCFMWU WILL:**

Training for all member of the Board of Trustees shall be made available at the Unions expense. Training shall encompass: Chairing a meeting, Bourinot's Rules of Order, effective communication, administration and any training the Secretary-Treasurer receives.

**Constitutional Resolution # 34  
Covering Resolution # 35 and # 36**

**BCFMWU Constitution Page 38  
Article 14.2 (b)  
ADD AND AMEND**

**Local 4**

**BECAUSE:** Our members want to know who is running and have the ability to direct the delegates representing them at Convention and/or engage the candidates.

**THE BCFMWU WILL: Add New** ARTICLE 14 ELECTION OF UNION OFFICERS  
Section 2 – Nomination of Provincial Executive (b) and renumber items thereafter.

- (b) **Delegates wishing to be nominated shall declare their intent fifteen (15) days prior to Convention. Their names shall be published no less than ten (10) days prior to Convention.**
- (c) A ballot for the position of Ships' Officers' Component President, Provincial Executive Officer, SOC Deck Representative, SOC Catering Representative, SOC Engineering Representative shall be conducted in accordance with the Ships' Officers' Component bylaws.

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: We believe all members should have the right to have their name put forward at any time, including Convention.

---

**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 35  
Covered by Resolution # 34**

**Article 14.2 (a)**

**Local 3**

**BECAUSE:** The membership should be aware of all nominations for Union positions prior to Convention, the members can then decide and advise their delegate how they would like them to vote.

**THE BCFMWU WILL:** Amend Article 14 Section 2 (a)

Nominations for the following Provincial Executive positions may be made by any Union member and shall close forty-five (45) days prior to Convention:

- One (1) President, Provincial Executive Officer
- One (1) 1<sup>st</sup> Vice President, Provincial Executive Officer
- One (1) 2<sup>nd</sup> Vice President, Provincial Executive Officer
- One (1) 1<sup>st</sup> Secretary-Treasurer, Provincial Executive Officer

**Constitutional Resolution # 36  
Covered by Resolution # 34**

**Article 14.2 (a)**

**Local 13**

**BECAUSE:** The membership should be aware of all nominations for Union positions prior to Convention, then the members can decide and advise their delegate how they would like them to vote.

**THE BCFMWU WILL:** Amend Article 14 Section 2 (a)

Nominations for the following Provincial Executive positions may be made by any Union member and shall close forty-five (45) days prior to Convention:

- One (1) President, Provincial Executive Officer
- One (1) 1<sup>st</sup> Vice President, Provincial Executive Officer
- One (1) 2<sup>nd</sup> Vice President, Provincial Executive Officer
- One (1) 1<sup>st</sup> Secretary-Treasurer, Provincial Executive Officer.

**Constitutional Resolution # 37**

**BCFMWU Constitution Page 41  
Article 14.7 (d)(e)(f)  
NEW**

**Local 1**

**BECAUSE:** Timelines need to be established to ensure timely and effective elections for all Site Safety Worker Representatives. Regional and Senior Joint elections need oversight beyond the respective Local Presidents. Clarity needs to be established as to who calls for and oversees elections of all Site Safety Worker Representatives.

**THE BCFMWU WILL: Add New** ARTICLE 14 – ELECTION OF UNION OFFICERS  
Section 7 – Election of Site Safety Worker Representatives (d) (e) and (f)

- (d) Local level elections for Site Safety Worker Representatives shall be called for and overseen by the Local Presidents, with the results determined by February of each year.**
- (e) Election for Regional Safety Worker Representatives and Senior Joint Occupational Health and Safety Committee Worker Safety Representatives shall be called for and overseen by the Provincial Executive Officers, designated by the President, Provincial Executive Officer with the results determined by March of each year.**
- (f) All election results shall be presented to the Provincial Executive no later than April of each year.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Enforcement of Article 14 Section 7 (a)(b)(c) would promote more accountability. Agree with intent; currently covered under duties of the Local President Article 16 Section 11 (b)(iii).

---

**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 38**

**BCFMWU Constitution Page 42**

**Article 15.3**

**AMEND**

**Local 2**

**BECAUSE:** Voting members may want more than two options on a ballot for Senior Executive positions of the BCFMWU.

**THE BCFMWU WILL: Amend** ARTICLE 15 – BALLOTING PROCEDURES  
Section 3 – Election Procedure for Convention

Two ~~(2)~~ candidate **Up to five (5) candidates** for office, per position, for the fleet wide referendum ballot shall be chosen as follows:

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: The Committee feels delegates at Convention are there on every member's behalf. Larger Locals will have a significant more impact on the newly formed Senior Executive (Locals 1, 2, 3, 4 and Deas Component have significantly larger representation).

---

**Delegates Vote on Resolution**

**Date:**

**Time:**

**AGREE [ ]**

**DISAGREE [ ]**



**Constitutional Resolution # 39**

**BCFMWU Constitution Page 47  
Article 16.2 (c)  
AMEND**

**Local 4**

**BECAUSE:** Local issues need to be heard more effectively and Locals need to be more aware of issues voted on at the Provincial level before they are voted on.

**THE BCFMWU WILL: Amend** ARTICLE 16 – LOCALS Section 2 - Purpose (c)

(c) Locals shall conduct at least ~~four (4)~~ **six (6)** meetings per year.

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Locals currently have the ability to hold in excess of four (4) meeting a year, as currently stated in the Constitution.

---

**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 40**

**BCFMWU Constitution Page 47**

**Article 16**

**DELETE Section 2 (c)**

**ADD Section 3 (a)(b)**

**Provincial Executive**

**BECAUSE:** Member engagement is crucial to the operation and welfare of the Union.

**BECAUSE:** Social events are an efficient way to network with your colleagues and peers.

**THE BCFMWU WILL: Delete** ARTICLE 16 - LOCALS Section 2 – Purpose (c)  
**Add New** Section 3 – Responsibilities of the Local (a) and (b); renumber Sections thereafter.

Section 2 – Purpose

(c) Locals shall conduct at least four (4) meetings per year.

Section 3 – **Responsibilities of the Local**

**(a) Locals shall conduct at least four (4) meetings per year.**

**(b) Locals shall hold a winter event and a summer event open to all members of the Local, where practicable.**

**Section 4 – Terms of Office**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**

**Time:**

**AGREE [ ]**

**DISAGREE [ ]**



**Constitutional Resolution # 41**

**BCFMWU Constitution Page 38 and 49**

**Article 16.6**

**Article 14.2 (e)**

**ADD NEW**

**Local 2**

**BECAUSE:** Commercial Services Division workers provide services distinctly different from traditional ferry services workers.

**BECAUSE:** CSD workers are hopelessly out numbered in relation to every other unit, local or component.

**THE BCFMWU WILL:**

**Add** ARTICLE 16 – LOCALS Section 6 – Locals and Jurisdiction and

**Add** ARTICLE 14 – ELECTION OF UNION OFFICERS Section 2 –Nomination of Provincial Executive (e)

**Add** ARTICLE 16 – LOCALS Section 6 – Locals and Jurisdiction

**Local 21 Commercial Service Division workers covered under LOU ‘Subject Commercial Services’; located at Nanaimo, Tsawwassen, Victoria and any other location established by the employer.**

**Add** ARTICLE 14 ELECTION OF UNION OFFICERS Section 2 – Nomination of Provincial Executive (e)

**(e) Local 21 President – elected by the Commercial Services Division workers at Nanaimo, Tsawwassen, Victoria and any other location where CSD is established by the employer.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: CSD workers are currently supported and included in their own Locals at their point of assembly.

---

**Delegates Vote on Resolution**

**Date:**

**Time:**

**AGREE [ ]**

**DISAGREE [ ]**



**Constitutional Resolution # 42  
Covering Resolution # 43**

**BCFMWU Constitution Page 47  
DELETE Article 16.11 (e)  
NEW Article 16.5**

**Provincial Executive**

**BECAUSE:** There is no recognition of large POA or geographically diverse POA's.

**BECAUSE:** The work of a Local Executive is done at all hours of the day.

**THE BCFMWU WILL:**

**Delete** ARTICLE 16 - LOCALS Section 11 – Duties of the Local Presidents (e) and  
**Add** ARTICLE 16 - LOCALS Section 5 – Union Leave Days (a)

Section 11 – Duties of the Local President

(e) ~~Local Presidents shall allocate, to the members of the Local Executive, at his/her discretion four (4) lieu days per month.~~

**Section 5 - Union Leave Days**

(a) **Local Presidents shall allocate lieu days to the members of the Local Executive at his/her discretion. Lieu day entitlement is based on the following formula:**

**Minimum monthly lieu day entitlement four (4); Maximum monthly lieu day entitlement seven (7).**

**Lieu days are earned as follows:**

**One (1) lieu day for each separate and distinct Point of Assembly.**

**One (1) lieu day for every one hundred (100) members.**

Renumber Sections thereafter.

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**

**Time:**

**AGREE [ ]  
DISAGREE [ ]**

**Constitutional Resolution # 43  
Covered by Resolution # 42**

**Article 16 Section 11 (e)**

**Local 2**

**BECAUSE:** High population and large regional Locals have needs unique to the fleet that put an undue stress on a flat rate of lieu days.

**THE BCFMWU WILL:** Amend Article 16 Section 11 (e) to read:

- (e) The Presidents of Local 1, 2, 3 and 11 shall allocate to the members of the Local Executive, at his/her discretion six (6) lieu days per month. For all other Presidents, this number is four (4) lieu days per month.

**Constitutional Resolution # 44**

**BCFMWU Constitution Page 52  
Article 17 Section 1  
ADD NEW**

**Provincial Executive**

**BECAUSE:** There is no provision in the Constitution for recall, removal and/or reinstatement of a shop steward.

**THE BCFMWU WILL: Amend** ARTICLE 17 – SHOP STEWARDS Section 1 – Shop Steward Elections (a) **add** (b) (c)

- (a)** Membership in each group of the work force shall elect, by majority vote, a Shop Steward to represent the membership on the work forces. Elections shall take place within thirty (30) days of a vacancy occurring. The Union will attempt to ensure that there are shop stewards on all routes.
- (b)** **Shop Stewards may be removed for cause by the Provincial Executive or Local Executive.**
- (c)** **Any removal per (b) shall be reviewed for cause by the Provincial Executive at its next meeting, with removals confirmed by 2/3<sup>rds</sup> majority vote. A steward may be reinstated by this same process.**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

---

**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 45  
Covering Resolution # 46 and # 47**

**BCFMWU Constitution Page 54  
Article 18.2 (a)  
AMEND**

**Local 4**

**BECAUSE:** The Labour Relations Officers should remain accountable to the membership between Conventions.

**THE BCFMWU WILL: Amend** ARTICLE 18 – STAFF Section 2 – Labour Relations Officers (a)

- (a) The Labour Relations Officers shall **produce a written monthly** report to the President, Provincial Executive Officer ~~and to the Union at Convention.~~ **This report shall be reviewed by the Provincial Executive at each Provincial Executive meeting. Any member shall have the right to review these reports upon seven (7) days written notice to the Union Office.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Labour Relations Officers currently report monthly to the Executive. Written reports may breach the Provincial Privacy Act and there is confidential information regarding grievances.

---

**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 46  
Covered by Resolution # 45**

**Article 18.2 (i) NEW**

**Local 3**

**BECAUSE:** Article 18.2 (i) shall be created.

**THE BCFMWU WILL:** Add Article 18 Section 2 (i) to read:

Labour Relations officers shall produce a weekly report to the President, Provincial Executive Officer detailing hours spend on each active grievance. The report shall be reviewed by the Provincial Executive at each Provincial Executive meeting. Any member shall have the right to review the reports upon five days written request to the Secretary-Treasurer with all privacy issues addressed.

**Constitutional Resolution # 47  
Covered by Resolution # 45**

**Article 18.2 (i) NEW**

**Local 13**

**BECAUSE:** Article 18.2 (i) shall be created.

**THE BCFMWU WILL:** add Article 18 Section 2 (i) to read:

Labour Relations officers shall produce a weekly report to the President, Provincial Executive Officer detailing hours spend on each active grievance. The report shall be reviewed by the Provincial Executive at each Provincial Executive meeting. Any member shall the right to review the reports upon five days written request to the Secretary-Treasurer with all privacy issues addressed.

**Constitutional Resolution # 48  
Covering Resolution # 49 and # 50**

**BCFMWU Constitution Page 54  
Article 18.2 (b)  
AMEND**

**Local 5**

**BECAUSE:** The Labour Relations Officers should not be involved in the internal business of the Union and in order to avoid potential conflicts, Article 18 Section 2 (b) shall be amended.

**THE BCFMWU WILL: Amend** ARTICLE 18 - STAFF Section 2 – Labour Relations Officers (b)

(b) Labour Relations Officers shall be **invited to Provincial Executive meetings to present their reports, but shall not be members of the Provincial Executive 'ex officio'. They may be invited to be present in matters related to their positions.** ~~members "ex officio" of the Provincial Executive, except that they shall not be entitled to vote at meetings of the Provincial Executive. They may be excluded from discussions by a majority vote of the Provincial Executive.~~

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Current language in the Constitution provides the Executive the ability to ask staff to leave meetings. Labour Relations Officers currently have no vote.

---

**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 49  
Covered by Resolution # 48**

**Article 18.2 (b)**

**Local 3**

**BECAUSE:** The Labour Relations Officers should not be involved in the internal business of the Union and in order to avoid potential conflicts, Article 18 should be amended.

**THE BCFMWU WILL:** Amend Article 18 Section 2 (b):

Labour Relations officers shall be invited to Provincial Executive meetings to present their reports, but shall not be members of the Provincial Executive "Ex officio". They may be invited to be present in matters related only to their position.

**Constitutional Resolution # 50  
Covered by Resolution # 48**

**Article 18.2 (b)**

**Local 13**

**BECAUSE:** The Labour Relations Officers should not be involved in the internal business of the Union and in order to avoid potential conflicts, Article 18 should be amended.

**THE BCFMWU WILL:** Amend Article 18 Section 2 (b):

Labour Relations officers shall be invited to Provincial Executive meetings to present their reports, but shall not be members of the Provincial Executive "Ex officio". They may be invited to be present in matters related only to their position.

**Constitutional Resolution # 51**

**BCFMWU Constitution Page 54**

**Article 18.2 (i)**

**NEW**

**Local 4**

**BECAUSE:** Article 18 Section 2 (h) says that we shall ensure that there are members trained and qualified to relieve and/or assist Labour Relations Officers in their duties as deemed necessary, and as a Union we should endeavor to hire our own members that are qualified to relieve our Labour Relations Officers.

**THE BCFMWU WILL: Add New** ARTICLE 18 – STAFF Section 2 – Labour Relations Officers (i)

**(i) Members that are trained and qualified to relieve as a Labour Relations Officer (LRO) shall be hired ahead of an LRO from a different Union or affiliate until a ratio of three (3) BCFMWU members to one (1) outside union is reached; such ratios shall be maintained.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: All internal qualified BCFMWU members are permitted to apply for permanent vacancies. The most qualified individual, internal or external, is awarded the vacancy by an appointed committee.

---

**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 52**

**BCFMWU Constitution Page 54  
Article 19.1 (a) (b) (c) (d)  
ADD NEW**

**Provincial Executive**

**BECAUSE:** The Local investigation showed the need for more stringent financial controls on our accounts.

**BECAUSE:** BCFMWU wants the control of Local and Deas Dock Component accounts to remain with the Local and allow a smooth transition of the Local bank account between executives to ensure continuity of the Local.

**THE BCFMWU WILL: Add** ARTICLE 19 – UNION FUNDS Section 1 – Deposits (a) through (d)

Section 1 – Deposits

The BCFMWU will where practicable, deposit all monies with senior Canadian financial institutions. (By definition this includes banks, trusts companies and credit unions). Where practicable, any investment deposits will be held in an ethical investment.

- (a) All Locals shall have a bank account at the same financial institution as the Provincial Office account. The accounts shall be a sub account of the headquarter account.**
- (b) The Secretary-Treasurer Provincial Executive Officer and Office Manager shall be sponsoring members on all Local bank accounts, and shall have access to view the Local accounts at their discretion.**
- (c) The Local President, Local 1<sup>st</sup> Vice President and the Local Recording-Secretary shall be signing officers of the Local account; other signers may be added in accordance with Local bylaws.**
- (d) Cheques issued cannot be signed by the recipient of the cheque.**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**

**Time:**

**AGREE [ ]**

**DISAGREE [ ]**



**Constitutional Resolution # 53**

**BCFMWU Constitution Page 55  
AMEND Article 19.3 (a)  
NEW Article 19.3 (b)**

**Provincial Executive**

**BECAUSE:** Our current structure is a flat tax structure which is inequitable.

**BECAUSE:** Our lowest wage earners are paying proportionately more dues based on their earnings.

**THE BCFMWU WILL: Amend** ARTICLE 19 – UNION FUNDS Section 3 – Union Dues (a) and **Add** (b) and renumber thereafter.

(a) Revenue of the Union shall be derived from monthly dues to be charged to members of the Union at a rate to be determined at Convention. The current rate is ~~two percent (2%)~~ **one point eight percent (1.8%) of gross pay.**

**(b) Gross pay includes all earnings except the following items which are excluded from gross pay for the purposes of dues deduction. The excluded items are: (i) re-imbursment of expenses; (ii) employer contributions to a pension plan or RRSP.**

~~(b)~~ **(c)** A member substituting into a Term Certain excluded position shall be required to pay Union dues based on his/her excluded monthly salary during the period of exclusion.

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Ferry workers should not be penalized for situations beyond their control (overtime/substitutions).

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 54  
Covering Resolution # 55 and # 56**

**BCFMWU Constitution Page 57  
DELETE Article 19.9**

**Local 5**

**BECAUSE:** The political body spending the Union's money should not be involved with the independent audit of the Union finances.

**THE BCFMWU WILL: Delete** ARTICLE 19 – UNION FUNDS Section 9 – Audits

~~Section 9 – Audits~~

~~The Provincial Executive shall appoint auditors who shall make an annual audit of all the books and accounts of the Union and render a report to the Provincial Executive at the end of each fiscal year.~~

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Current language indicates that the Provincial Executive is only responsible to appoint a certified auditing firm. The Executive does not have input into auditors or findings.

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 55  
Covered by Resolution # 54**

**Article 19.9**

**Local 3**

**BECAUSE:** The wording of Article 19 Section 9 should be changed in order to encourage cooperation with Trustees and the Provincial Executive and Provincial Executive Officers.

**THE BCFMWU WILL:** Amend Article 19 Section 9:

The Provincial Executive shall in cooperation with the Trustees of BCFMWU appoint the auditors recommended by the BCFMWU Trustees, who shall make an annual audit of all the books and accounts of the Union and render a report to the BCFMWU Trustees at the end of each fiscal year, the Trustees shall present this report included with Trustees report to the Provincial Executive at the end of each fiscal year.

**Constitutional Resolution # 56  
Covered by Resolution # 54**

**Article 19.9**

**Local 13**

**BECAUSE:** The wording of Article 19.9 should be changed in order to encourage cooperation with Trustees and the Provincial Executive and Provincial Executive Officers.

**THE BCFMWU WILL:** Amend Article 19 Section 9:

The Provincial Executive shall in cooperation with the Trustees of BCFMWU appoint the auditors recommended by the BCFMWU Trustees, who shall make an annual audit of all the books and accounts of the Union and render a report to the BCFMWU Trustees at the end of each fiscal year, the Trustees shall present this report included with Trustees report to the Provincial Executive at the end of each fiscal year.

**Constitutional Resolution # 57**

**BCFMWU Constitution Page 57  
Article 19.14  
AMEND**

**Local 11**

**BECAUSE:** No simple visual representation exists regarding the Union's finances for the general membership.

**THE BCFMWU WILL:** Add the following language to ARTICLE 19 – UNION FUNDS Section 14 – Union Books and Accounts

**A visual representation (i.e. pie chart) showing percentage of annual operational costs.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Current documents are lengthy and detailed and adhere to accounting standards. Creating a pie chart is not practical; may not clearly reflect annual operational costs due to the volume of information.

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 58**

**BCFMWU Constitution Page 57  
Article 19.14  
DELETE / ADD**

**Local 2**

**BECAUSE:** The previous wording of this section is wordy and may leave out information otherwise necessary for transparency.

**THE BCFMWU WILL: Delete current language and add** ARTICLE 19 – UNION FUNDS Section 14 – Union Books and Accounts

~~All financial books, accounts, etc. of the Union shall be open for inspection by a member of the Union at any reasonable time upon written request by the member to the Secretary-Treasurer, Provincial Executive Officer. The books and accounts shall be kept in such a manner that they can show wage replacement and expenses for each committee, and the wages and benefits can be broken down into the wages of the President, Provincial Officer, wages of the clerical support staff and wages of the agents. Any time that miscellaneous exceeds one thousand (\$1,000.00) dollars a full explanation of the expenses shall be recorded.~~

**Subject to relevant privacy legislation, any member in good standing upon written application to the Secretary- Treasurer, has the right to view any and all financial documents of the Union.**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 59  
Covering Resolution # 60**

**BCFMWU Constitution Page 58  
Article 20.4  
AMEND**

**Provincial Executive**

**BECAUSE:** The Local funding formula is out dated.

**BECAUSE:** Costs have increased dramatically but the formula has remained the same.

**THE BCFMWU WILL: Amend** ARTICLE 20 – UNION FINANCIAL POLICY  
Section 4 – Financial Assistance to Locals

Section 4 – Financial Remittance to Locals

- (a) The Union shall contribute to the financial remittance of each Local. Annual assessments of ~~ten (\$10.00) dollars~~ **fifteen dollars (\$15)** per Local member will be paid to each Local. If the Local has less than ~~fifty (50)~~ **one hundred (100)** members then an amount of ~~five hundred (\$500.00) dollars~~ **one thousand five hundred dollars (\$1,500)** will be paid to the Local.
- (b) Locals with a bank balance over twelve thousand (\$12,000) dollars on May 31 will not be entitled to receive that Local's per capita. ~~Any money not given to a Local will stay in the per capita fund pool and be shared among other Locals.~~
- (c) **Locals that have met their yearly obligations in Article 16.3 shall be provided with additional financial remittance of five hundred (\$500) to offset costs associated with these events.**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**

**Constitutional Resolution # 60  
Covered by Resolution # 59**

**Article 20.4**

**Local 2**

**BECAUSE:** Local funding formulas were initially set in more than 20 years ago while costs have gone up exponentially.

**THE BCFMWU WILL:** Amend Article 20 Section 4:

- (a) The Union shall contribute to the financial assistance of each Local. Annual assessments of fifteen dollars (\$15) per Local member will be paid to each Local. If the Local has less than fifty (50) members then an amount of seven hundred and fifty dollars (\$750) will be paid to the Local.
- (b) Locals with a bank balance over eighteen thousand dollars (\$18,000) on May 31 will not be entitled to receive that Local's per capita. Any money not given to a Local will stay in the per capita fund pool and be shared among other Locals.

**Constitutional Resolution # 61**

**BCFMWU Constitution Page 58**

**Article 20.4 (c)**

**NEW**

**Local 4**

**BECAUSE:** There is not sufficient Local lieu days to meet several times prior to Convention.

**THE BCFMWU WILL: Add** ARTICLE 20 UNION FINANCIAL POLICY

Section 4 – Financial Assistance to Locals (c)

**(c) The Union shall provide one lieu day per Local Executives to hold a meeting directly related to a Triennial Convention.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: The Committee feels this is covered under Resolution # 42 Article 16 Section 11.

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**Delegates Vote on Resolution**

**Date:**

**Time:**

**AGREE [ ]**

**DISAGREE [ ]**



**Constitutional Resolution # 62**

**Article 22  
AMEND**

**Provincial Executive**

**BECAUSE:** To simply not participate in behaviours like bullying, harassment or discrimination is to tacitly approve of those behaviours.

**BECAUSE:** The BCFMWU expects the highest standards of leadership from their elected officials.

**THE BCFMWU WILL:** Amend Article 22:

(To be administered by the Returning Officer or Designate)

"I, \_\_\_\_\_, do hereby sincerely pledge my work 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 Bylaws. ***I will stand up and actively oppose any act of bullying, harassment or discrimination.*** I agree upon my retirement or resignation, to turn over to the Union any documents entrusted to my care."

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 63**

**BCFMWU Constitution Page 59  
Article 23  
AMEND**

**Provincial Executive**

**BECAUSE:** Modernize the language.

**THE BCFMWU WILL: Amend** ARTICLE 23 – UNION POLICY

- h) Oppose the arms' race **and any war of aggression;**
- l) Support a woman's right to obtain an abortion as a matter of personal choice **reproductive rights for all, including universal access to contraceptives and abortion;**
- r) Shall not discriminate ~~with respect to terms or~~ conditions on the grounds of ancestry, place of origin, race, creed, religion, colour, age, sex, **physical or mental disability, family status,** marital status, ~~parental status,~~ political affiliation, **criminal conviction,** sexual orientation, **gender identity and expression, and/or any other ground protected by statute or legislation.**

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 64**

**BCFMWU Constitution Page 61  
Article 23 (v)  
NEW**

**First Nations Vision Committee**

**BECAUSE:** Having already been approved by the Provincial Executive in May 2016.

**THE BCFMWU WILL:** Add ARTICLE 23 – UNION POLICY (v)

**(v) BCFMWU members of First Nations ancestry, or spouses of, will be entitled up to 5 days leave over the calendar year, to be used for gathering/preparing cultural foods, using their own credits, if none available take unpaid leave.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: We endorse the concept, however the Committee believes it is more appropriate for Bargaining as the Union has no ability to grant the time off, this remains with the Company.

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 65**

**NEW**

**Local 12**

**BECAUSE:** A clear conflict of interest exists when a Union officer or shop steward is also a part time manager.

**THE BCFMWU WILL:** Add New ARTICLE – SUBSTITUTING TO EXCLUDED POSITION

**No member shall work or substitute in an excluded position while holding a Provincial Executive, SOC Executive, or Local Executive position or while acting as a shop steward.**

**(i) If a member believes an elected officer or shop steward is working or substituting in an excluded position s/he shall inform the Provincial President or SOC President, as appropriate.**

**(ii) If a member is found to have worked in an excluded position while holding an elected Union position, that position will be considered vacant.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: Deters Senior Officers from becoming active in the Union; imposes morality on fellow Union members inclusive; Union dues are paid on wages when substituting.

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 66**

**Constitution Rewrite  
DIRECTION**

**Provincial Executive**

**BECAUSE:** The Constitution is dated, confusing, inconsistent, contradictory and not well written.

**THE BCFMWU WILL:** New Constitutional Rewrite

**The Union will form a Committee to provide oversight and guidance for an external third party (i.e. labour lawyer) to rewrite the Constitution, in part or whole, for consideration at the Triennial Conventions of 2021 and 2024, if required.**

Committee Recommends: **Disagree**

Constitutional Resolution Committee Comments: The Constitution is a living document and will continue to change. Based on the recent rewrite cost of Article 6 and Article 12, a conservative draft estimate of a Constitutional rewrite is in excess of \$180, 500.

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**Delegates Vote on Resolution**

**Date:**

**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**



**Constitutional Resolution # 67**

**BCFMWU Constitution Page 15  
Article 8 Section 3 (a)  
Housekeeping**

**Provincial Executive**

**BECAUSE:** Article 8 Section 3 (a) refers to incorrect Section number.

**THE BCFMWU WILL: Amend** ARTICLE 8 – CONVENTION AND BARGAINING CONFERENCE Section 3 - Special Convention (a):

- (a) The President, Provincial Executive Officer shall, on the request of at least thirty (30%) percent of the membership of the Union, or by a two-thirds (2/3) vote of the total Provincial Executive, convene a Special Convention of the Union at any time, providing one hundred twenty (120) days' prior notice of the date, time, place and purpose of such meeting is given to the membership as a whole. In the case of a Special Convention, delegates thereto shall be elected as provided in ~~Section 7~~ **Section 5**. Credentials for a Special Convention shall be forwarded to the Union headquarters at least forty-five (45) days before the meeting date.

Committee Recommends: **Agree**

Constitutional Resolution Committee Comments:

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**Delegates Vote on Resolution**

**Date:**  
**Time:**

**AGREE [ ]**  
**DISAGREE [ ]**