



Policy and Procedure Guidelines

Elections and Election of Officers

Abstract The Purpose of this Document is to Provide a
Standard for Elections

Document Reference 2018 Constitution

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Reason for Issue Site Safety Committee Policy Update

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BCFMWU Policy for Elections and Duties of Election Officers

Articles referred to in this policy are in reference to the 2018 BCFMWU Constitution. Any conflict between this policy and the Constitution, the Constitution's intent will prevail.

ARTICLE 10 - COMMITTEES

Section 8 - Balloting Committee

The Balloting Committee shall consist of the Returning Officer and Assistant Returning Officer and shall supervise all ballots on behalf of the Union.

ARTICLE 13 - RETURNING OFFICER AND ASSISTANT RETURNING OFFICER

Section 1 - Returning Officer

- (a) The Returning Officer shall be elected to a three-year term at the Triennial Convention according to the balloting procedures in Article 14, Section 5. The Returning Officer shall be a delegate to Convention by right of office and shall have voice but no vote.
- (b) The Returning Officer's term of office shall commence upon election.
- (c) The Returning Officer shall not violate or compromise his/her position of trust. Furthermore, the Returning Officer shall not engage in the politics of the Union and shall maintain the highest level of impartiality in the supervision of the Union's ballots.

Section 2 - Assistant Returning Officer

- (a) The Assistant Returning Officer shall be elected to a three-year term at the Triennial Convention according to the balloting procedures in Article 14, Section 5. The Assistant Returning Officer shall be a delegate to Convention by right of office and shall have voice but no vote.
- (b) The Assistant Returning Officer's term of office shall commence upon election.
- (c) The Assistant Returning Officer shall not violate or compromise his/her position of trust. Furthermore, the Assistant Returning Officer shall not engage in the politics of the Union and shall maintain the highest level of impartiality in the supervision of the Union's ballots.
- (d) The Assistant Returning Officer shall act under the supervision of the Returning Officer and assist him/her in carrying out his/her duties.



ARTICLE 14 - ELECTION OF UNION OFFICERS

Section 5 - Election of Returning Officer and Assistant Returning Officer

- (a) Nominations for the positions of Returning Officer and Assistant Returning Officer may be made by any Union member and shall close at Convention.
- (b) The Returning Officer and Assistant Returning Officer shall be elected by secret ballot by the delegates to the Triennial Convention. Each accredited delegate shall cast one (1) vote for each position. The candidate with the highest number of votes in each position shall be declared elected.

1. Impartiality

- (a) Before beginning to perform the duties of office, the Returning Officer and Assistant Returning Officer must make a solemn declaration before the delegates at Convention to be impartial in performing the duties of office.
- (b) The Returning Officer and the Assistant Returning Officer must not hold another Union position.

2. Oath of Office

Before undertaking duties under this Act, an individual appointed as an election official must make a solemn declaration that the individual:

- (a) Will faithfully and impartially fulfill the duties;
- (b) Has not received and will not accept any inducement to perform the duties other than impartially and in accordance with this Act or to otherwise subvert the election; and
- (c) Will perform his/her duties as per Article 22 in the BCFMWU Constitution.

3. Term of Office

- (a) The term of office for the Provincial Returning Officer and the Assistant Returning Officer is from the date of appointment until the next Triennial Convention.
- (b) If a Provincial Returning Officer is absent or unable to act, or if the office is vacant, the Assistant Local Returning Officer must perform the duties and has the authority of the Provincial Returning Officer and, for these purposes, may appoint an individual to act as Assistant Local Returning Officer for the period to which this applies.
- (c) An individual may be re-elected as a Provincial Returning Officer or Assistant Returning Officer.

4. Duties of the Provincial Returning Officer

The Provincial Returning Officer has the following duties, in addition to all others established by these Guidelines:

- (a) To provide guidance and input respecting the membership list accuracy and the conduct of elections and referendums.



- (b) To ensure that all other officials appointed under these Guidelines carry out their duties with fairness and impartiality.
- (c) To make recommendations to the Provincial Executive or the delegates at Convention respecting amendments to this Policy or other enactments affecting election matters.
- (d) To issue to persons appointed or retained under these Guidelines any information and guidelines the Provincial Returning Officer considers necessary to ensure effective implementation of these Guidelines.
- (e) To require Local Returning Officers and other election officials to follow the directions of the Provincial Returning Officer regarding the performance of their duties.
- (f) To provide information to the membership regarding call for nominations, balloting and other electoral processes.

5. Individuals Prohibited From Being Appointed as Election Officials

- (a) A member of the Provincial Executive or of the local executive.
- (b) A member nominating a candidate or campaigning for a candidate.
- (c) A member not in good standing.

6. Resignation, Removal or Suspension

1. The Provincial Returning Officer may resign at any time by notifying the Trustees.
2. On the recommendation of the Trustees, based on cause or incapacity, the Trustees (*or Provincial Executive*) must, in accordance with the recommendation:
 - 1) Suspend the Returning Officer; or
 - 2) Remove the Returning Officer from office.
3. "Returning Officer" means Provincial Returning Officer, Provincial Assistant Returning Officer or Local Returning Officer.

7. For Each Local, as Specified in the Constitution, the Local Membership Will Elect a Local Returning Officer

- (a) A call for nominations for the position of Local Returning Officer will be posted on conclusion of the Local Executive election.
- (b) A copy of the call for nominations will be sent to the Provincial Returning Officer.
- (c) Call for nominations for the position of Local Returning Officer will be conducted by the Local Executive.
- (d) Before undertaking duties under these Guidelines, an individual appointed as an election official must make a solemn declaration that the individual:



- 1) Has not received and will not accept any inducement to perform the duties otherwise than impartially and in accordance with these Guidelines or to otherwise subvert the election;
 - 2) Will faithfully and impartially fulfill the duties; and
 - 3) Will preserve the secrecy of the ballot.
- (e) Duties of the Local Returning Officer:
- 1) Under the supervision of the Provincial Returning Officer the Local Returning Officer is responsible for conducting the election and following the bylaws for the local.
 - 2) The Local Returning Officer may appoint an Assistant Local Returning Officer, who is to assist the Local Returning Officer with the duties of the local election.
 - 3) The Local Returning Officer will provide a written report with the election results to the local executive and the Union office.
- (f) An individual may be re-elected as a Local Returning Officer or Assistant Returning Officer.

8. Calling an Election

Election called when writ of election is issued:

- (a) On receiving written notice from the Provincial Executive that an election is to take place as per Article 15 Section 4 (c) of the Constitution, the Provincial Returning Officer must:
- 1) Issue the writ or writs of election in accordance with the order;
 - 2) Transmit election notice to the Local Returning Officer to whom it is addressed; and
 - 3) Ensure election notice is posted on the Union website and on Union bulletin boards.
- (b) The Provincial Returning Officer shall receive all election notices, posters, call for nominations and nomination forms.

9. Call for Nominations

A call for nominations must be posted for a two-week period. The call shall contain the following information:

- (a) The dates for the start and end of the call for nominations;
- (b) How interested individuals can obtain information on the requirements and procedures for making a nomination;
- (c) The positions open for nomination;



- (d) Who should receive the nomination forms;
- (e) The signature of the Local Returning Officer; and
- (f) Any other information the Provincial Returning Officer considers should be included.

10. Nomination Forms

- (a) A nomination must be made in writing.
- (b) Nomination forms must be accompanied by:
 - 1) A signed consent of the individual being nominated to the position and a written agreement to stand;
 - 2) The position and local the candidate is being nominated for;
 - 3) The name of the person nominating the candidate; and
 - 4) The date of the nomination.
- (c) In the case of an election by acclamation, as soon as possible after the declaration, the Local Returning Officer must return the notice of election and a copy of the nomination forms to the Provincial Returning Officer, certifying the names of the individuals acclaimed.

11. Notice of Election by Voting

- (a) As soon as possible after the declaration of an election by voting, the Local Returning Officer must publish a notice of election and ensure that adequate notification is given to the local membership.
- (b) The notice of election must include the following information:
 - 1) The names of the candidates in the order and as the names will appear on the ballots;
 - 2) The positions the candidates are running for;
 - 3) The date, voting hours and voting places for general voting;
 - 4) Special voting opportunities in order to give voters who may otherwise be unable to vote an opportunity to do so; and
 - 5) Contact name for election information.

12. Procedure for Elections and Balloting Committee

Article 15, Section 11

All Union elections shall be conducted following the guidelines laid out in the BCFMWU Manual: "Policy and Procedure Guidelines – Elections and Election of Officers".



ARTICLE 15 - BALLOTING PROCEDURES

Section 1 – Standard Procedures Applied to all Union Elections

- (a) If only one (1) nomination is received for an elected position, the nominee shall be declared elected to the position by acclamation.
- (b) The candidate receiving the most votes shall be declared to be elected.
- (c) In the case of a tie, there shall be a run-off ballot between affected candidates.
- (d) Should any or all but one of the candidates withdraw from the election, the remaining candidate shall be declared elected.

Section 2 - Scrutineers

- (a) Candidates for office shall not attend the balloting and counting, except to cast a ballot, but may designate a scrutineer to attend on their behalf.

Section 3 - Election Procedure for Convention

Two (2) candidates for office, per position, for the fleet wide referendum ballot shall be chosen as follows:

- (a) Each voting delegate shall vote for one candidate for the position of President, Provincial Executive; 1st Vice President, Provincial Executive; 2nd Vice President, Provincial Executive; and Secretary-Treasurer, Provincial Executive.
- (b) The candidate with the least number of votes on each ballot shall be dropped from subsequent ballots.
- (c) Candidates who choose to withdraw from the election may do so by informing the delegates fifteen (15) minutes prior to the ballot.

Section 4 - Procedure for Referendum Ballots

- (a) Ten (10) days after the close of nominations the Union, at the Union's expense, shall send to every member's household an 8.5" x 11" sheet of election material that the candidate compiles. The original shall be costed to the candidate but the copies shall be costed to the Union.
- (b) The Returning Officer shall decide the closing date of the referendum, taking into consideration the urgency of the matter, shift schedules, ballots being returned by mail and all other relevant factors. If a mail-in ballot is utilized, the minimum time allowed for the return of all ballots shall be twenty-eight (28) days. The referendum ballot shall be completed within thirty (30) days of Convention.
- (c) The Returning Officer shall, on receiving written notice from the Provincial Executive of a ballot to be taken, cause it to be printed and distributed.
- (d) The Secretary-Treasurer, Provincial Executive shall supply the Returning Officer with an up-to-date list of all members entitled to vote, noting the member's local.
- (e) The Returning Officer shall ensure the following are available:
 - (i) Required number of ballots;



- (ii) List of all members entitled to vote and signature sheets;
- (iii) Explanation of the ballot;
- (iv) Balloting instructions;
- (v) Certificates as per Appendix "C";
- (vi) One ballot container with lock; and
- (vii) Instructions to the balloting committee as follows:
 - (a) instructions re: balloting procedures;
 - (b) have members sign the signature sheet that they have received a ballot and issue each member a ballot;
 - (c) assure that there is a private place to mark his/her ballot;
 - (d) have the marked ballot placed in the ballot container; and
 - (e) on completion of the ballot taking, and in the presence of two (2) members, insert the signature sheet in the ballot container and return same to the Returning Officer.

Section 5 - Procedure for Conducting the Ballot

In conducting the ballot, the Balloting Committee shall:

- (a) Decide on a central place where the balloting for the Local shall take place. The Balloting Committee may use mail-in ballots when considered necessary.
- (b) Notify the membership of the Local of the time and place for balloting.
- (c) At the time and place for balloting, provide a ballot box which, after inspection by any scrutineer present, shall be locked by a member of the Balloting Committee.
- (d) Issue to each member who presents himself at the place, a ballot and an explanation of the balloting procedure.
- (e) Ensure that each member who is given a ballot signs the signature sheet.
- (f) Ensure that there is a balloting booth to allow ballots to be marked secretly.
- (g) Ensure that the marked ballot is placed in the locked ballot box.
- (h) On completion of the ballot, insert the signature sheet in the ballot box, seal the box and return it to the Returning Officer for counting.

Section 6 - Ratification Procedure

- (a) A referendum vote on the ratification of a collective agreement shall take place in accordance with the Procedures for Referendum Balloting in Section 4.



- (b) Before a referendum vote is conducted, the proposed Collective Agreement shall be completed and the Central Negotiating Committee shall report to the Provincial Executive and the membership at special meetings called for the purpose.
- (c) The report shall be presented in writing to show each new and re-negotiated clause, memorandum of understanding and each clause that has been altered or deleted and stating clearly, where required, the intent thereof. The report shall also be accompanied by a verbal explanation stating clearly the intent of each clause.
- (d) The report shall have attached to it the recommendations of the Central Negotiating Committee and Provincial Executive.
- (e) In outlying areas where it is impractical to hold membership meetings, the membership shall be sent a written report by mail, accompanied by the required ballot.
- (f) The Central Negotiating Committee shall provide the above information five (5) days prior to the holding of local meetings and seven (7) days shall elapse after the conclusion of all local membership meetings before a ballot is conducted. Should special circumstances require alterations to the above time limits, they may be amended by a majority vote of the Provincial Executive.
- (g) In the event that the Provincial Executive and the Employer agree on a proposal constituting a change to the Collective Agreement and, in the event the Provincial Executive deems the proposal major in impact, the Provincial Executive shall cause a referendum ballot to be conducted as per this Article.
- (h) Any modification or clarification to the Collective Agreement shall be printed and distributed to the membership by bulletin.

13. Printing of the Ballot

All ballots will be approved by the Provincial Returning Officer and will contain:

- (a) The names of the candidates arranged on an ordinary ballot alphabetically by their surnames and, if two (2) or more candidates have the same surname, be arranged alphabetically in order of their first given or usual names used on the ballot;
- (b) The position the candidate is being elected for; and
- (c) Balloting instructions.

14. Rules for Voting

- (a) Each individual may vote only once in an election.
- (b) Voting is to be by secret ballot.
- (c) Persons at a voting station must not communicate information regarding how another individual voted or marked a ballot.
- (d) Persons at a voting station must not induce an individual, directly or indirectly, on how to vote.



- (e) No election posters shall be posted at or near any voting station.
- (f) No other person may loiter or be present without the Returning Officer's authorization at the voting station.
- (g) No other person may interfere with an individual who is marking a ballot.
- (h) Other than for the purpose of voting, a candidate must not be present while voting proceedings are being conducted.

15. Replacement of Spoiled Ballot

- (a) If a voter spoils a ballot before it is deposited into a ballot box, the voter may obtain a replacement ballot by giving the spoiled ballot to the election official responsible.
- (b) The election official responsible must immediately mark the ballot as spoiled and retain the spoiled ballot for inclusion with the election materials.

16. Appointment of Scrutineers

- (a) Candidates may appoint scrutineers in accordance with these Guidelines to represent the candidate by observing the conduct of voting and the counting proceedings for the election.
- (b) If the individual is appointed as a candidate's scrutineer for the purpose of this section, a statement of this appointment must be submitted to the Returning Officer.
- (c) Each individual present at the counting of the vote must preserve the secrecy of the ballot.
- (d) Scrutineers leaving a counting of the ballots, other than at a designated break time, will not be permitted back in to witness the counting process.

17. Ballot Boxes

- (a) A ballot box must be constructed:
 - 1) To ensure ballots can be inserted into it, but cannot be withdrawn unless the box is opened;
 - 2) To keep the ballots used to vote at general voting for any one voting station separate from all other ballots used in the election; and
 - 3) To keep ballots used for alternative absentee voting separate from all other ballots used in the election.
- (b) A ballot box that has been sealed must remain sealed and unopened until the ballots are to be counted, unless it is a ballot box for alternative absentee voting or unless it is to be used for another voting opportunity.
- (c) When a ballot box is opened for the transferring of ballots to a locked bag with a numbered pre-issued tag, the appropriate forms shall be signed by the election officials transferring the ballots and placed inside the bag prior to locking.



18. Counting the Ballots

Article 15, Section 7

- (a) On the appointed date, the Returning Officer together with the Assistant Returning Officer, in the presence of scrutineers, shall check the number of ballots against the number of signatures on the endorsed signature sheets, ensuring that there are no irregularities and place the ballots in a common ballot box. The common ballot box shall then be opened, ballots counted, recorded and reported to the Provincial Executive in writing.
- (b) If any irregularities have been charged to occur during the counting of ballots, the Returning Officer or Assistant Returning Officer shall request the Trustees of the Union to investigate the charge and the Trustees shall determine the validity of the charges and order any action deemed by them to be appropriate.

19. Rules for Accepting and Rejecting Ballots

A ballot must be rejected if any of the following applies:

- (a) The ballot physically differs from the ballots officially provided for the voting proceedings for which the counting is being conducted;
- (b) The mail-in ballot cannot be identified as to who the member is that is voting;
- (c) The ballot is marked as voting for more than one candidate; or
- (d) The ballot does not clearly indicate the intention of the voter to vote for a candidate.

20. Recount of the Ballots

- (a) A decision to recount the ballots may be made by the Returning Officer.
- (b) Application for recount may be made by an appeal to the Trustees.
- (c) The application may be made to the Trustees by a member in good standing in accordance with this section for a recount of some or all of the votes on ballots for an election.

21. Report to the Provincial Executive

Article 15, Section 9

The Returning Officer's report to the Provincial Executive shall contain the following:

- (a) The number of ballots issued;
- (b) The number of ballots returned;
- (c) The results of ballots by number;
- (d) The number of ballots "spoiled";
- (e) The number of members eligible to vote; and



- (f) The signatures of the Returning Officer, Balloting Committee and the scrutineers present.

22. Holding the Ballots after Vote

Article 15, Section 10

The Returning Officer will hold fleet-wide referendum ballots for a period of six (6) months prior to their being destroyed, allowing access to members in good standing. Members have the right to lodge a grievance or complaint to the Provincial Executive at the soonest opportunity, with the provision that inspection be co-ordinated through and under the supervision of the Trustees.

1. Election of Safety Committee Worker Representatives

1.1.1 Notice of Election, Nominations and Eligibility

- 1.1.1.1 The Committee's Worker Co-chair and the affected Local President(s) will mutually confirm the expiration of a worker representative's term, or a member otherwise vacating a committee seat. At the end of a sitting member's term, they will also confirm that the affected sitting worker is aware of the upcoming process to put the seat up for a nomination process. The incumbent will remain in the position until a new member is seated. The Union office shall issue a call to nomination, notifying the affected Local President, or in the event of multi-Local Committees, the Provincial Returning Officer.
- 1.1.1.2 Nominations must be sent to the Union office. Notice of Nominations or EOIs will be distributed by social media, email notifications from the Union Hall to the affected Local(s) members, and hardcopies of the bulletins posted on Union boards at the affected work sites.
- 1.1.1.3 Nominees must be members of the site cleared to work at the POA/vessel.
- 1.1.1.4 Elections for site and regional committee seats shall be determined in the following order:
 - (i) Nominee with the most votes from within the department; if only one person is nominated from the department they shall be acclaimed.
 - (ii) In the event there is no nominee from the department, the nominee with the most votes; if only one person is nominated from outside the department they shall be acclaimed.
 - (iii) In the event there are no eligible nominees, the worker representative shall be appointed by the affected Local Executive or, in the event of multi-local sites or for Regional Committees, the Provincial Executive.
 - (iv) If the above options have been exhausted and there is still no worker representative selected, the committee's worker co-chair may invoke Pt. 2, Sec. 34(1)(d) to compel the Company to appoint a worker representative until such time that one can be found by way of the Union's selection process.

1.1.2 Regional Committee Nominee

- 1.1.2.1 The Regional Committee worker representative nominees need previous experience on a BC Ferries Site Safety Committee.

1.1.3 Senior Joint Regional Committee Representatives

- 1.1.3.1 The Senior Joint Committee Representative must sit on the regional committee that they represent.
- 1.1.3.2 Senior Joint Representative may be selected by simple majority vote of the worker regional committee representatives.

1.1.4 Election Procedure

- 1.1.4.1 Election will be conducted by:
 - (i) The Local Returning Officer or their designate
 - (ii) In the event there is no Local Returning Officer, the Local President or their designate.
 - (iii) In the event of a multi-local site or for Regional Committees, elections shall be conducted by the Provincial Returning Officer or their designate.

- 1.1.4.2 If a Local president or other Local Executive Officer is one of the candidates for the contested workers representative vacancy, they will recuse themselves from the selection process, and their Local 1st Vice President or other designated Local Executive Officer, according to their bylaws, will oversee the process.

1.1.5 Voter Eligibility

- 1.1.5.1 See BCFMWU Constitution Article 14 Section 7

1.1.6 Site and Regional Committee By-Elections

- 1.1.6.1 If a Site Safety Committee seat becomes vacant before the expiration of the term, the worker representative's existing alternate will have the right of first refusal. If the alternate turns down the opportunity, the replacement may be appointed by the Local President. Alternatively, the Local President may issue a Call for Nominations. The alternate, or any other replacement shall be appointed by the Local Executive for the remainder of the term.

- 1.1.6.2 In the event of a multi local site or Regional Committee seat becomes vacant before the expiration of the term, the above process will be followed, but any replacement shall be appointed by the Provincial Executive for the remainder of the term.

1.1.7 Procedure after Election of Committee Member

- 1.1.7.1 Upon conclusion of the election, the person in conduct of the election shall provide the name of the successful candidate to:
- i. The candidates.
 - ii. The co-chairs of the committee.
 - iii. The Local President
 - iv. The appropriate crewing office.
 - v. The Union Office, which will distribute the election results by a bulletin to the affect Locals.

1.1.8 Term Length

- 1.1.8.1 See BCFMWU Constitution Article 14 Section 7 ‘

- 1.1.8.2 A company selected worker representative may be replaced at any time by call to election

1.1.9 Recall and Removal

- 1.1.9.1 A safety committee member may be
- i. Recalled by 2/3rds majority vote of bargaining unit members of that committee.
 - ii. Removed for cause pursuant to an investigation by the Provincial President or their designate.
 - iii. Removed for failure to report to Union Executive upon their request.
 - iv. Any persons removed may, pursuant to the section above, appeal to the Provincial Executive, in writing, no later than 30 days from date of notification. Appeals shall be sent care of the Provincial President.
- 1.1.9.2 In the event of a worker representative being recalled, the affected Local President(s) will be informed, and the recalled representative's previously designated alternate will take the seat until the conclusion of the Union's selection process to replace the recalled representative.

- 1.1.9.3 A recalled worker representative will not be eligible to immediately run for re-election for the full duration of the remainder of the term. They will be eligible to contest future vacancies.

1.1.10 Alternates

- 1.1.10.1 Each joint occupational health and safety committee member is responsible for securing an alternate. The alternate may be from another department, Local, or location that is represented by that committee. If unsuccessful, an Expression of Interest may be used to find an interested alternate.

1.1.11 Individual Worker Health and Safety Representatives

- 1.1.11.1 Individual Worker Health and Safety Representatives (for worksites with less than 20 workers) shall be subject to the above processes. They shall notify the Local President of the end of their term, or of them vacating the seat.
- 1.1.11.2 Site safety committees for vessels in refit, or that are laid up, will select a worker representative from the committee members who will take on the role of the individual Worker Health and Safety Representative if the full committee is unable to be maintained during refit or layover.