

# **CONSTITUTION**

*and*

# **BYLAWS**

*of the*

# **International Longshore and Warehouse Union Local 500**

#100 - 111 Victoria Drive  
Vancouver, BC  
Canada V5L 4C4

Amended to October 17, 2018

## OUR MOTTO



## AN INJURY TO ONE IS AN INJURY TO ALL



Ignorance of our responsibilities is no excuse  
since it is the duty of every Member  
to read and understand this  
Constitution and Bylaws and the Declaration of Principles.

They protect and strengthen our Union.

They shall be strictly observed.

**Amalgamated Local 500 of the International  
Longshore and Warehouse Union**

### HEADQUARTERS:

#100 - 111 Victoria Drive  
Vancouver, BC  
Canada V5L 4C4

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## **PREAMBLE**

Whereas, ever since the beginning of history humankind has struggled individually and collectively for political, economic, and cultural advancement and has found their greatest ability to achieve such advancement through democratic organization:

Therefore, we who have these common aspirations do hereby form ourselves into one individual union and adopt this Constitution for the guidance of our conduct and the protection of our democracy within the Union.

## **DECLARATION OF PRINCIPLES**

We, who are under the jurisdiction of the International Longshore and Warehouse Union subscribe to the following fundamental principles and, basing ourselves on these principles we are determined to do individually and collectively everything in our power to live up to them.

We recognize that:

1. Equality amongst men and women the brotherhood and sisterhood of workers are birthrights of the highest order. We guarantee equality of opportunity within our Union and shall strive to promote universal solidarity everywhere.
2. The welfare and advancement of all humankind depends upon a recognition of the dignity of people. We shall uphold the right of all to live and grow in a dignified manner and to be treated with decency and respect by their employers.
3. Everyone, regardless of race, creed, color, sex, political or religious belief, gender preference or sexual orientation has the right to receive a fair and just return for their labour to make possible sufficient leisure for education, recreation, and cultural development. We shall continue to fight all forms of economic oppression and industrial tyranny. We affirm the right of everyone to receive the wherewithal to develop the fullest possible use of all their mental faculties. (We stand opposed to the practice of "moonlighting".)
4. Participation in political and social affairs at the local, national and international levels is essential for the advancement of labour's ideals. Appreciating as Canadian citizens the tremendous responsibilities we have assumed we shall educate ourselves, fulfill our role in the community, and accept the challenge of the future to build onward and upward to a better life.
5. Unity within the entire labour movement is of paramount importance in achieving our common objectives. We shall maintain affiliation with our International and Area organizations, and other labour councils whenever possible. We shall assist them, honour their legitimate picket lines, and at all times hold true to the ideals and principles of social justice upon which the labour movement was founded.
6. Knowledge and understanding of our Union's history are invaluable tools for charting our course into the future. We shall educate our membership, particularly the young as to the origins of the Union, the privations and hardships endured by our forefathers and foremothers, the basic principles they strived for.

7. The strength of this Union lies in the strength and intelligence within each and every member of this Union. We shall maintain a democratic, industrial organization and guarantee every member the rights of vote, free speech and fair trial in order that all may contribute each in their own way to the overall strength of the Union. We shall formulate policy through the democratic machinery of the Local and assure that no clique or group shall dominate or control this Local.
8. All rights and duties, always, must belong without discrimination to each member of this organization as long as they abide by the Constitution and Bylaws. We hereby vest the funds, property assets, and affairs of the Local, exclusively in the Membership of the Local.

# CONSTITUTION

## ARTICLE I

### TITLE

This organization shall be known as the "International Longshore and Warehouse Union, Local 500" (hereinafter known as the Local).

## ARTICLE II

### HEADQUARTERS

The headquarters of the Local shall be Vancouver, British Columbia, Canada.

## ARTICLE III

### JURISDICTION

#### Section 1. Geographic Jurisdiction:

- (a) The Geographic Jurisdiction of the Local shall extend throughout the waters of Burrard Inlet and Howe Sound, the City of Vancouver, and any other city, town, village, district or municipality in, at, near, around or adjacent to the said waters.
- (b) The Geographic Jurisdiction of the Checkers (formerly 506), the Grainliners (formerly 507), and the First Aid (formerly 510), the Samplers/Marine Surveyors (formerly 518) shall extend also to any other part of the Canadian Area where there is no conflict with any other I.L.W.U. Charter.

#### Section 2. Industrial Jurisdiction:

The Industrial Jurisdiction of the Local shall extend to:

- (a) All workers employed in the loading or unloading of vessels, and all workers employed in any operation, clerical or otherwise, incidental to such loading or unloading;
- (b) All workers employed in the warehousing, wholesaling, distributing, or processing industries and all workers employed in any operation, clerical or otherwise, incidental to such industry.

**Section 3.** In addition, the Geographic and Industrial Jurisdiction shall include all jurisdictions contained in the Charters of the seven former Locals. (Photocopies will remain on file.)

## ARTICLE IV

### MEMBERSHIP & DUTIES

**Section 1.** The founding members of the Local shall be known as Charter Members and shall be all those formerly registered as members of the seven amalgamated Locals:

Local 501 – Deepsea

Local 501 – Warehouse

Local 506 – Checkers

Local 507 – Grain Liners

Local 509 – Coastwise

Local 510 – First Aid

Local 518 – C.P.R.

**Section 2.** New members shall be accepted according to the following procedure:

- (a) Applicants for membership shall be persons of character that have not been found guilty of a charge of ‘Conduct Detrimental’ in the previous two years, Canadian citizens or eligible to become Canadian citizens, and shall have reached their twenty-first (21st) birthday.
- (b) All applications shall be processed by the Membership & Grievance Committee which shall make appropriate recommendations concerning the applicants.
- (c) Applicants who are approved for membership shall appear before the Membership of the Local. If accepted they shall become probationary members for a period of not less than six months, unless they have achieved five years of industry pensionable years of service, in which case the probationary requirement shall be waived.
- (d) Applicants for membership and/or probationary members shall be required to receive instruction relative to the Union Constitution, Bylaws, Agreement, Work Rules, Safety, etc.
- (e) All applicants and probationary members must comply with the provisions of the Constitution and Bylaws.
- (f) When the candidates appear before the General Membership Meeting, any member in good standing may challenge any candidate. The challenger must submit a written report to the Executive which shall hear the appeal of the applicant and report its findings to the next General Meeting.
- (g) A probationary member may be expelled for deliberate evasion of the conditions of membership, or for false statement as to eligibility or for willful failure to disclose material information at the time of application for membership.
- (h) Successful applicants shall pay their full initiation fee at the time of acceptance into probationary membership. Applicants accepted directly as full members shall pay their initiation fees within the current week.
- (i) The Secretary-Treasurer shall refund any initiation fees paid on behalf of any candidate who is rejected.
- (j) Upon becoming full members, applicants shall take the following pledge and shall be entitled to all the rights and privileges inherent in this Constitution:

## Membership Pledge

"I,           (name)          , do solemnly promise - to be a true and faithful member - of the International Longshore and Warehouse Union - and neither by word nor deed knowingly bring discredit upon it or its members - I shall observe its Constitution, its Bylaws and Work Rules, - adopt its Declaration of Principles, - and actively promote the Welfare of the Union, the Local, and its members."

**Section 3.** The Executive shall have the authority to suspend any or all of the requirements under ARTICLE IV, Section 2, for the purpose of bringing new members into the Local as a result of new organization or the acquisition of new jurisdiction. The Executive shall consider each case on its merits and shall formulate appropriate regulations, but such regulations shall apply only to the one particular case in question.

**Section 4.** For the purpose of manning an existing operation outside of the Industry BCMEA/ ILWU Collective Agreement, the Executive shall have the authority to swear in new members provided that:

- (a) No Union Member wants the job.
- (b) If the person so sworn in quits or loses that job, he/she shall be required to work as a Casual at a level consistent with his/her total seniority earned under both Collective Agreements.
- (c) After such person has achieved the same seniority level as members currently entering from the "A" Board, he/she will have full seniority rights.

**Section 5.** It shall be the duty of all members to:

- (a) Abide by the Constitution, Bylaws, Declaration of Principles and Work Rules of the Local.
- (b) Attend all duly called meetings and vote in all elections.
- (c) Furnish the Local with the proper addresses and notify the Local of any changes.
- (d) Pay promptly all fines, assessments and dues properly charged against their accounts.
- (e) Report to the Local Office during times of serious dispute, unless advised to the contrary.
- (f) Perform picket duty when requested to do so.
- (g) Work actively for the welfare of the Union, the Local and the Membership.
- (h) Do nothing in the performance of their work which will bring discredit upon the Union.

## Structure

The basic structure of the Local shall be such as to make possible the widest representation of all legitimate membership interests. It shall reflect the determination of the Membership to achieve the democratic organization affirmed in the Preamble and Statements of Principle to this Constitution. Based on the assumption that democracy means more than simply voting 'yea' or 'nay' to decisions already made, there shall be



effective channels of communication to encourage the maximum rank and file participation in the affairs of the Union. The rank and file shall have the means to reexamine, criticize and improve the Local structure, to express ideas and initiate policy, and in general to contribute to the advancement of the entire I.L.W.U.

### **Legislative**

The highest legislative body shall be the Membership. An Executive shall be constituted of the Titled Officers, the Business Agents and the rank and file members elected from a cross-section of the Membership. It shall be the 'Voice of the Membership' and shall serve as a link in the legislative process. It shall appoint subcommittees, hear reports from them and dispose of matters not of interest to the Membership. It shall assist the Executive Officers in recommending policy and drawing up the agenda for the General Membership Meetings. It shall at all times be responsible to the Membership.

### **Executive**

The Executive Officers shall be responsible for carrying out the administrative affairs of the Local. All members engaged in managing the affairs of the Local shall perform their duties in accordance with policy enacted through the legislative process. Subcommittee chairs shall be appointed from the Executive and the Committees shall at all times represent a cross-section of the Membership.

### **Judicial (Trial and Grievance)**

The Membership shall be the highest court of the Local and shall have the power to hear and decide all appeals and charges properly referred to it. The Executive shall be the second highest court of the Local and shall hear and decide all appeals and charges properly referred to it. There shall be a properly constituted Membership & Grievance Committee representing a cross-section of the Membership. It shall have the duty to hear on behalf of the Membership all charges properly referred to it. It shall hear all cases with impartiality and assess penalties without fear or favour in a uniform manner. It shall serve also as an additional channel of communication through which any member or group of members may submit a grievance or proposal to the Executive. The Committee shall sit regularly, consider all proposals, and submit those with merit to the Executive.

Representation, structure and all regulations pertaining to it as of the date of acceptance shall be incorporated into the By-laws and shall not be changed except as provided for under ARTICLE XI, Section 3, 'Amendments to the Constitution'.

## **ARTICLE V OFFICERS & COMMITTEE MEMBERS**

### **A. General Duties:**

**Section 1.** It shall be the duty of all persons elected or appointed, full or part-time, acting on behalf of this Local to carry out their responsibilities diligently and faithfully in the interest of the Membership.

In addition to their general duties they shall perform such duties and have such authority as may be granted by the Constitution, Bylaws or decisions of the Membership. They shall know the Constitution, Bylaws, Agreement and any other Document pertinent to the affairs of the Local. They shall endeavour to learn as much as possible about labour affairs in general. They shall keep an accurate record of their activities and shall make such records available at the request of the Titled Officers or the Executive.

At the end of their tenures of office they shall return to the Local any Union property that may be in their possession.

**Section 2. President:**

- (a) The President shall be the Chief Executive Officer and Business Manager at the Local.
- (b) He/She shall do all things necessary to co-ordinate and manage the affairs of the Local.
- (c) He/She shall be responsible for the preservation of order at all meetings of the Local.
- (d) He/She shall be a member of the Canadian Area Executive Board.
- (e) He/She shall be an ex-officio member of all temporary committees, all subcommittees, and delegate to all caucuses and conventions to which the Local sends representation.
- (f) He/She shall furnish a bond satisfactory to the Local, the premium of which shall be paid by the Local.

**Section 3. Vice President:**

- (a) The Vice President shall assist the President whenever requested to do so and in the absence of the President shall assume the duties and authority of the President.
- (b) In the event of the death, resignation, or removal from office of the President, he/she shall assume the duties and authority of the President until the next General Election.
- (c) He/She shall furnish a bond satisfactory to the Local, the premium of which shall be paid by the Local.

**Section 4. Secretary Treasurer:**

- (a) The Secretary Treasurer shall be the Office Manager, Recording Secretary, and Financial Secretary of the Local.
- (b) He/She shall arrange for the efficient management of the Local Office.
- (c) He/She shall cause a record to be kept of all proceedings of the Local.
- (d) He/She shall be custodian of all monies of the Local and shall take proper care to safeguard its financial interests at all times.

- (e) He/She shall have assistance as needed, but at all times shall supervise and be responsible for the conduct of the Office Staff.
- (f) He/She shall furnish a bond satisfactory to the Local, the premium of which shall be paid by the Local.

**Section 5. Business Agents:**

- (a) The Business Agents shall represent the Local in all disputes in the Despatch Hall or on any job over which the Local has jurisdiction, and they shall endeavour to reach a settlement.
- (b) Their decisions must be consistent with the Constitution, Bylaws, Agreements, and Work Rules, and their activities must be coordinated so as to assure uniform application of all regulations.
- (c) They shall be required to keep a record of their activities.
- (d) They shall have the authority to examine dues books anywhere within the Local's jurisdiction to assure that only those persons authorized by this Local are employed.

**Section 6. Trustees:**

The Trustees shall be responsible for the audit of the property and financial transactions of the Local and in any case shall audit once each quarter.

**Section 7. Sergeants-at-Arms: (Door Marshall)**

The Sergeants-at-Arms shall assist the Chair to keep order at the General Membership Meetings and at any other Meetings as directed.

**Section 8. Despatchers: (Union)**

Despatchers, where required, shall conduct the business of their Despatch Offices in accordance with principles inherent in this Constitution.

**B. Salaries:**

**Section 1.** The President, Secretary Treasurer, Business Agents and Despatchers shall receive a full-time salary no less than the highest base rate in the industry. They shall receive expense allowances as set forth in the Bylaws.

**Section 2.** The Vice President shall receive a pro-rata salary based on the fulltime Officers' rate of pay and shall receive expense allowances as set forth in the Bylaws.

**Section 3.** All other members while conducting official Union business shall be paid on a time-loss basis equivalent to the highest base rate in the industry. They may be paid expenses or supper allowances as set forth in the Bylaws.

**C. Vacancies & Recall:**

**Section 1.** Any member elected or appointed, shall have the right to resign. However, he/she shall continue to perform his/her duties until a successor has been elected or appointed. Any Officer or Committee person who applies to become a

Foreman or an Agent of the Employers shall immediately relieve him/herself of Office or his/her position on the Executive.

**Section 2.** Any Committee Member who fails to attend three (3) consecutive meetings of his/her Committee and who cannot show just cause shall be discharged from Office.

**Section 3.** A number of members in good standing, being no less than twenty-five percent (25%) of the active Membership shall have the right to petition for the recall of any Officer of the Local. They shall submit the petition along with a statement of reasons for it to the Executive. The Officer named shall stand suspended while the Executive investigates the case and reports its findings to the next General Meeting. If the petition is not upheld the Officer shall be reinstated (with full salary, if applicable,) for the time of his/her suspension.

**Section 4.** Vacancies in the Office of Vice President, Secretary Treasurer, Business Agent, or Dispatcher shall be filled for the unexpired term by a standing vote of the next General Meeting.

**Section 5.** Vacancies in the Executive or in any other rank and file elective office shall be filled for the unexpired term by a standing vote of the next General Meeting.

#### **D. Elections:**

An 'Elections Act' shall be adopted by this Local and shall be in harmony with the following Constitutional safeguards;

**Section 1.** Elections shall be held once a year following the Annual General Meeting and installations shall take place at the first Executive Meeting and the new Executive shall be presented to the General Meeting thereafter.

**Section 2.** Standard nomination and election procedures based on the principle of the Secret Ballot shall be established and shall apply equally to all members who qualify.

**Section 3.** Members qualified to nominate and vote shall be all members in good standing (exclusive of probationary members).

**Section 4.** Members not qualified to be nominated for office shall be those members who:

- (a) are not in good standing as of close of nominations, or
- (b) have not been a member of Local 500 for one (1) full year as of close of nominations, or
- (c) within the year previous to the election date have been convicted of 'Conduct detrimental to the Union' or have been recalled from office, or
- (d) have been appointed to the Balloting Committee, or
- (e) have a current application to become a Foreman or Agent of the Employer, or
- (f) are over the age of 65 years or who would turn 65 years of age during their term in office or who are in receipt of the Industry Pension.

**Section 5.** No member may be a candidate for more than one (1) Local Office. An Office Holder (three titled Officers, Despatchers and Business Agents) who wishes to be a candidate for another Local Office shall resign from the Office and make it known prior to nominations opening. However, any candidate for office shall be allowed to run on ballot for Delegates to Conventions and/or Caucuses and for the ILWU Canada/Longshore Contract Executive Board.

**Section 6.** Successful candidates shall be required to take the following 'Oath of Office' before assuming their positions:

**Oath of Office**

"I,           (name)          , do solemnly promise, on my honour, that I will perform the Duties of my Office faithfully and impartially to the best of my ability until my successor is duly elected and installed."

**ARTICLE VI**  
**CHARGES, TRIALS & FINES**

**Section 1. Charges:**

(a) General Charges. Any member of the Local who wishes a charge to be laid against another Member shall report that Member's actions, in writing, to the Secretary Treasurer who shall notify the accused, in writing, that there is a charge pending against him/her. The charge shall read: "A charge of... (description of the accused actions) ..." The accused shall be entitled to a copy of the charges and two (2) weeks in which to prepare his/her defence.

(b) Conduct Detrimental. Any Member of the Local who knows of any action of another Member which may discredit the Union shall report such action, in writing, to the Secretary-Treasurer who shall notify the accused, in writing, that there is a charge pending against him/her. The charge shall read: "Conduct Detrimental to the Welfare of the Union..." The accused shall be entitled to a copy of the charges and two (2) weeks in which to prepare his/her defence.

**Section 2. Trials:**

Normally the Membership & Grievance Committee shall be the Trial Committee. However in serious cases likely to result in expulsion from the Local, the accused may elect trial by a 'SPECIAL TRIAL COMMITTEE' which will consist of eleven (11) members selected at random from the nominal roll at a General Membership Meeting.

**Section 3.** It shall be an offence for any member to refuse to serve on a Trial Committee.

**Section 4.** The Trial Committee shall conduct the Trial without undue delay and shall guarantee the accused the following rights:

- (a) The fullest opportunity to defend him/herself, including the right to counsel from any member of his/her choosing.
- (b) The right to cross-examine his/her accuser and any witnesses.
- (c) The right to produce witnesses for the defence.
- (d) The right to receive a full written report of the Proceedings, PROVIDED THAT in the event the accused fails to appear without just cause, the Trial may proceed as if he/she had been present.

**Section 5.** The Trial Committee shall decide as to innocence or guilt, and shall set the appropriate penalties which may be:

- (a) A fine deemed suitable by the Trial Committee and/or;
- (b) A suspension not to exceed three (3) months, or;
- (c) Expulsion from the Local.

**Section 6.** The Trial Committee shall at all times keep a true and accurate record of all charges, proceedings, and decisions, and shall make such records available at the request of the Executive or any Titled Officer.

**Section 7. Appeals:**

Upon conviction, the Trial Committee shall immediately advise the accused of his/her right to appeal to the Next Executive Meeting PROVIDED THAT the accused shall have one (1) week in which to inform the Secretary Treasurer of his/her intent to appeal, one (1) week in addition to prepare the appeal.

**Section 8.** The Executive shall have authority by majority vote to approve, modify, or reject the findings of the Trial Committee. The accused shall have the right to appeal the Executive's findings to the General Meeting. "THIS MUST BE DONE WITHIN TWO GENERAL MEMBERSHIP MEETINGS AFTER HIS/HER APPEAL TO THE EXECUTIVE".

\*\* The accused may call for a Secret Ballot.

**Section 9. Fines:**

Any fine imposed shall be charged against the members account and shall be payable within thirty (30) days of the final decision. Any member failing to pay such fine within the time allotted shall stand suspended until the fine has been paid.

**Section 10.** Specific penalties when adopted by the Membership, shall be as set forth from time to time in the Bylaws and shall be established and amended only in the same manner as provided for under ARTICLE XI, Section 3, AMENDMENTS TO THE CONSTITUTION.

**Section 11.** No penalty shall be imposed in addition to a penalty already imposed by the Employer for the same offence. If a charge is laid by the Employer, Union penalties will be withheld pending the results of the 'Grievance Procedure under the Contract'.

**Section 12.** Any member maliciously preferring unsustained charges against another member shall be subject to a fine not to exceed fifty dollars (\$50.00) as may be determined by the Trial Committee.

**Section 13.** Nothing in this Article VI shall interfere with the right of the Local to suspend any person who allows him/herself to fall into bad standing as defined in the Bylaws.

## **ARTICLE VII INCOME**

### **Section 1. Income:**

The income of this local shall be derived from initiation fees, dues, fines, assessments, interests on monies in banks and other financial institutions, and any other legal source.

**Section 2.** Initiation fees, dues and fines shall be as set forth in the Bylaws and shall not be changed except as provided for under ARTICLE XI, Section 3, AMENDMENTS TO THE CONSTITUTION.

**Section 3.** All fines, assessments and other indebtedness shall be payable before dues. Members who allow their dues to become overdue shall be subject to suspension or expulsion as set forth in the Bylaws, PROVIDED THAT any amendments pertaining to this section shall be made only in the same manner as provided under ARTICLE XI, Section 3, AMENDMENTS TO THE CONSTITUTION.

### **Section 4. Disbursements:**

- (a) All income (except assessments) may be used to pay per capita taxes, wages, salaries, office expenses and any other legitimate operating expenses of the Local.
- (b) Assessments shall be as determined by the Membership Meeting, and shall be used only for the purpose of the assessment. Surpluses, if any, shall be recorded and carried over to apply to any future assessment.
- (c) The Executive Committee shall be authorized to make Donations in the amount **two (2) days' pay at the base rate, with total Donations not exceeding thirty (30) days' pay at the base rate annually** except with the approval of the membership.

\*All cheques must be signed by any two (2) of the three (3) Titled Officers.

- (d) Fines should be considered as over and above any budgeted income and may be used to defray the cost of trial proceedings. In addition, such monies may be used at the direction of the Executive for study and research into unlawful behaviour or any other matter pertaining to Good and Welfare.

### **Section 5. Services:**

Payment of dues by members entitles such members to the full services of the Local, including:

- (a) All normal protection in dealings with the Employers.
- (b) Assistance in filing forms for medical, pensions, welfare, compensation, etc.
- (c) An Annual Bulletin listing the successful candidates for Office and the names of the members assigned to various Committees.

- (d) At least one (1) copy each, of the Constitution, Bylaws, Agreement, Safety Rules, etc.
- (e) Regular Bulletins pertaining to work rules, safety rules, labour affairs, Good and Welfare, etc.

## **ARTICLE VIII**

### **MEETINGS & QUORUMS**

**Section 1.** Regular Membership Meetings shall be held once a month with the November meeting of each year designated as the Annual Meeting. However, the July and/or August Meetings may be cancelled due to summer vacations.

- (a) Special Membership Meetings — The Executive or a number of members in good standing, being no less than ten (10%) percent of the active membership shall have the authority to call a Special Membership Meeting, PROVIDED THAT, forty-eight (48) hours notice must be given the membership and only the business stated in 'the call' shall be transacted at said Special Meeting.

A QUORUM shall consist of thirty percent (30%) of the active members in good standing. If after thirty (30) minutes past the hour of meeting no quorum exists, the Chair shall declare the meeting dissolved.

- (b) General Membership Meetings — There shall be no less than six (6) General Membership Meetings each year and no more than three (3) months shall lapse between any two (2) meetings. A QUORUM shall consist of thirty percent (30%) of the active members in good standing. If after thirty (30) minutes past the hour of meeting no quorum exists, the Chair shall declare the meeting dissolved.

- (c) Group Membership Meetings — may be held in lieu of, or in addition to General Membership meetings, (providing the minimum requirement of six (6) General Membership Meetings is adhered to), if and when requested or required,

- (d) Non-attendance:

- (i) Any Member who fails to attend a duly called Membership Meeting of Local 500 I.L.W.U. shall be fined Ten (\$10.00) Dollars.
- (ii) Any Member who fails to vote in any duly called I.L.W.U. election shall be fined Ten (\$10.00) Dollars.
- (iii) Exemptions will be granted to any member on Weekly Indemnity, Compensation, Annual Vacation or authorized absence from the Local.
- (iv) Special exemptions for compassionate reasons may be granted by appeal to the Executive.

**Section 2.** The Executive shall meet at least once a month at times and places designated by the President, A QUORUM shall consist of fifty percent (50%) of the members PLUS one (1), including at least one (1) Titled Officer.

**Section 3.** Special Executive Meetings shall be called at the discretion of the President or upon the request of at least eleven (11) members of the Local Executive, the place being the regular meeting room of the Executive, with the time to be designated



by the eleven (11) aforementioned Executive members. Only business stated in the call shall be transacted at said Special Meeting.

**Section 4.** Subcommittees shall meet at the direction of the President or Committee Chair as deemed necessary for the performance of their duties.

**Section 5.** The Local shall adopt Rules-of-Order to allow for the proper functioning of the democratic machinery of the Local. The Rules-of-Order as adopted by the Local shall be altered only in the same manner as set forth in ARTICLE XI, Section 3, AMENDMENTS TO THE CONSTITUTION.

## **ARTICLE IX STRIKES, LOCKOUTS, BOYCOTTS, AGREEMENTS**

### **Section 1. Strikes and Lockouts:**

- (a) In the event of a serious dispute between the members and their employers, notice shall be given the Executive, which shall endeavour to avoid strikes and shall make every effort to settle the matter amicably.
- (b) A strike shall be authorized by this Local only after complying with the following procedure:
  - (i) A Special Meeting of the members affected shall be called for the purpose of discussing the issues.
  - (ii) A QUORUM of seventy-five percent (75%) of the active members in good standing must be present at said meeting.
  - (iii) A majority of the members must vote in the affirmative.

### **Section 2. Agreements:**

- (a) This Local may make an agreement with any employer who grants our demands and is fair in all other ports to the I.L.W.U.
- (b) This Local has authority to make such agreements only after complying with the following procedure:
  - (i) A Special Meeting of the members affected shall be called for the purpose of discussing the issues.
  - (ii) A majority of the members affected must vote in the affirmative on a referendum ballot.
- (c) All agreements must be in harmony with the International Constitution, the Canadian Area Constitution, and the Local Constitution.

## **ARTICLE X WITHDRAWALS, LEAVES,**

## **TRAVELLING CARDS, TRANSFERS**

**Section 1.** This Local will issue Withdrawal Cards, Leaves of Absence, and Travelling Cards, and accept Transfers in accordance with the requirements of the International Constitution.

**Section 2.** The Local Membership shall have the authority to set forth the Specific Regulations in the Bylaws. Such regulations shall be established or amended in the same manner as provided for under ARTICLE XI, Section 3, AMENDMENTS TO THE CONSTITUTION.

## **ARTICLE XI INTERPRETATION, SUSPENSION & AMENDMENT OF THE CONSTITUTION & BY-LAWS**

### **Section 1. Interpretation:**

- (a) Whenever any question of interpretation of the Constitution or By-Laws arises, excluding Article II of the By-Laws Elections Act, it shall be submitted to the Local President, who shall issue an interpretation within five (5) days.
- (b) His/Her interpretation shall be final and binding, unless appeal is taken as herein provided for:
  - (i) Any member aggrieved by an interpretation of the Constitution or By-Laws may appeal to the Local Executive which may reverse, modify or sustain the interpretation by a majority vote. Notice of intent to appeal to the Executive must be filed within five (5) days of the President's ruling.
  - (ii) The aggrieved member may appeal further to the Local General Meeting which may reverse, modify or sustain the interpretation by a majority vote. Notice of intent to appeal to the General Meeting must be filed within five (5) days of the Executive's ruling.
- (c) Pending any appeal, the interpretation by the Local President or by the Local Executive, if it reverses or modifies the President's interpretation, shall remain in full force and effect.

### **Section 2. Suspension:**

Any ARTICLE or Section of the Constitution or By-Laws may be suspended, but only at a General Meeting, and only PROVIDED THAT two-thirds (2/3) of the active members in good standing are present, and further PROVIDED THAT two-thirds (2/3) of the Members present vote in the affirmative.

### **Section 3. Amendment:**

The procedure for amending any ARTICLE or Section of this Constitution or By-Laws shall be as follows:

(NO OTHER PROCEDURE SHALL BE USED.)

- (a) The Executive or any twelve (12) members in good standing may submit the proposed amendment as a Notice of Motion which must be read at two (2) consecutive General Meetings.
- (b) The day following the first reading, the Secretary Treasurer shall cause a copy of the Notice of Motion to be posted in the Central Despatch Hall, the Local Office, and at any place where permanent employees work.
- (c) Two-thirds (2/3) of the members present at the second (2<sup>nd</sup>) reading must vote in the affirmative, or a Referendum Ballot may be called for and two-thirds (2/3) of the members affected must vote in the affirmative.

# BY-LAWS

## ARTICLE I

### STRUCTURE (1970)

#### OFFICERS & COMMITTEE MEMBERS

##### **Section 1:**

The Executive shall consist of:

(a) The Titled Officers:

(i) President

(ii) Vice President

(iii) Secretary Treasurer

(b) Four (4) Business Agents

(c) Despatchers

(d) Twenty (20) Rank and File Members.

Elected by vote of the Total Membership.

**Section 2:** There shall be three (3) TRUSTEES elected directly from the membership. '

**Section 3:** (Starting with the 1990 Annual Elections):

President, two (2) Business Agents, and one Trustee to be elected for one (1) year. In subsequent years all to be elected for two (2) years. Vice President, Secretary Treasurer, two (2) Business Agents, and two (2) Trustees to be elected for two (2) years.

Ten (10) Executive Board Members to be elected for two (2) years.

Ten (10) Executive Board Members to be elected for one (1) year.

In subsequent years required number to be elected for two (2) years.

**Section 4:** (Starting with the 2011 Annual Elections):

One (1) Despatcher to be elected for two (2) years. One (1) Despatcher to be elected for one (1) year. In each subsequent year one (1) Despatcher to be elected for a two (2) year term.

**Section 5:** There shall be the following SUBCOMMITTEES.

(a) SAFETY COMMITTEE

Duties:

(i) to acquire a basic knowledge of modern industrial safety standards.

(ii) to record and file all data pertinent to accidents in this industry.

(iii) to review all existing safety regulations and recommend changes where necessary.

(iv) to publicize a safety program.

(b) SERVICE COMMITTEE

Duties:

(i) to tend to sick and visiting responsibilities.

(ii) to organize picnics, sports, or any other social events.

(iii) to know the regulations pertaining to M.S.P., Welfare, Pensions, Compensation, Vacations, Leaves of Absence, etc., and to assist the members when requested to do so.

(c) MEMBERSHIP & GRIEVANCE COMMITTEE —shall consist of not less than five (5) members.

Duties:

(i) to gather as much information as possible in relation to work opportunity, hours, earnings, etc.

(ii) to process applications for membership when requested to do so and make appropriate recommendations.

(iii) while in session as a TRIAL COMMITTEE, it shall hear and decide all charges in accordance with the requirements of the Constitution, By-Laws, Agreements and/or Work Rules. If necessary, it shall call in the President or a Business Agent as a witness or in an advisory capacity on matters of interpretation.

(iv) when a member aggrieved by the decision of the TRIAL COMMITTEE appeals to the Executive, the Membership & Grievance Committee having submitted its report in writing to the Secretary-Treasurer, may be called upon to answer such questions as may be asked of it, as well as being allowed to enter into discussion on the Appeal, but shall not be allowed to vote on the Appeal in the Executive.

(v) for the purpose of hearing grievances and proposals from members, the Committee shall sit regularly at times and places well advertised to the Membership. It shall establish procedure and forms, as necessary, to conduct the hearings in an efficient manner. Members wishing to use the services of this Committee shall be required to submit a proper form obtainable from the Secretary Treasurer. Any or all of the named SUBCOMMITTEES may be required to work in conjunction with other I.L.W.U. Committees or joint Union-Management Committees charged with similar responsibilities.

(d) RESOLUTION COMMITTEE — made up of those delegates elected from time to time to represent the Local at Conventions and Caucuses.

Duties:

(i) to receive resolutions from the membership, consolidate those of a similar nature and present them on behalf of the Local.

(ii) to develop resolutions on matters of concern to the membership and the Labour movement in general and present them on behalf of the Local.

- (iii) to present such resolutions to the Membership for endorsement whenever practicable.
- (e) Additional Committees may be elected or appointed from time to time to do specific assignments on behalf of the Membership.

## **ARTICLE II**

### **ELECTIONS ACT (1965)**

#### **Section 1. Nominations:**

At the October Membership Meeting an Elections Officer (Responsible for interpretation of the Elections Act) shall be elected from the floor of the meeting.

- (a) Nominations shall be open at least seven (7) days and no more than thirty (30) days prior to the Annual Membership Meeting.
- (b) Nominations shall close at five o'clock (5:00 p.m.) on the Friday, twelve (12) days preceding the Annual Membership Meeting.
- (c) The Secretary Treasurer shall issue and receive Nomination Blanks which shall contain the name of the Office to which the Candidate aspires and the signature of the Candidate.
- (d) The Elections Officer shall certify the eligibility of the Nominees, and it shall report on the Candidates to the Annual Membership Meeting.
- (e) The Elections Officer shall Chair that portion of the Annual General Meeting where the Candidates shall be given the opportunity to address the Meeting.
- (f) A ballot box be available at the Despatch Hall.
- (g) Each Candidate may have one Member in Good Standing as a scrutineer during voting and counting of ballots at all elections and referendums.

#### **Section 2. Elections:**

Elections shall be held on the second (2<sup>nd</sup>) Thursday and Friday after the Annual Meeting.

- (a) Any questions as to the right to vote shall be determined by the Elections Officer and his/her decision shall be final.
- (b) Each qualified member of the Local shall be entitled to vote for the President, Vice President, Secretary Treasurer, Business Agents, Despatchers, Trustees and twenty (20) rank and file Executive Members and the I.L.W.U. Canada/Longshore Contract Board Members.
- (c) Each qualified member of the Local shall be entitled to vote for delegates to I.L.W.U. Conventions and Caucuses scheduled for the following year. The number of delegates, if any, to be determined at a Membership Meeting.
- (d) Ballots must be clearly marked (as required) in the area provided to be recognized a cast vote.

- (e) Ballots spoiled will not be counted as a vote cast.
- (f) A ballot box be available at the Despatch Hall.
- (g) Each Candidate may have one Member in Good Standing as a scrutineer during voting and counting of ballots at all elections and referendums.

**Section 3. Advanced Polling for Absent Members:**

- (a) (i) Advanced polling shall open at 8:00 a.m. on the Tuesday preceding the Annual Meeting and close at 5:00 p.m. on the same day.
  - (ii) Advanced polling for ILWU Canada elections shall open one (1) day from 8:00 a.m. to 5:00 p.m. on the Thursday of the week following the posting of ILWU Canada Elections Bulletin.
- (b) To be eligible to vote in the Advanced Poll a Member must meet one of the following criteria which must occur during the week of the Elections (held the second Thursday and Friday after the Annual General Meeting:
  - i) Book at least four (4) days of Vacation Time that includes the week of the Elections.
  - ii) Be scheduled for treatment in a Health Care Facility on Election Days.
  - iii) Be out of town conducting Union Business.
- (c) The Office Staff shall supply an Elections Bulletin and an envelope to the Advance Voter.
- (d) The Election Bulletin will be used as a Ballot and must be sealed in the envelope to be valid.
- (e) A Ballot Box sealed by the Election's Officer shall be provided.

**Section 4. Tabulation:**

The Elections Committee shall tabulate the vote and publish the results. Ballots must be kept for thirty (30) days.

- (a) To be declared elected to the Office of President, Vice President, or Secretary Treasurer, a Candidate must poll at least fifty (50%) of the votes cast plus one (1) vote. If necessary, a Run-Off Ballot shall be held between the two (2) Candidates polling the highest vote.
- (b) For all other Offices, the Candidate polling the highest number of votes shall be declared elected.
- (c) Any Candidate defeated by ten (10) votes or less, may within seven (7) days of the published results, demand a recount which shall be done in the presence of any interested party.

**ARTICLE III**

**WITHDRAWALS & LEAVES OF ABSENCE**

**Section 1.** Any member leaving the industry or the work under the jurisdiction of the Local shall be required to take a Withdrawal Card or Leave of Absence. \*Dues, assessments, fines, and all other indebtedness shall be paid up to and including the current month.

**Section 2.** No Withdrawal Cards or Leaves of Absence will be issued during a time of Strike or Lock-Out.

**Section 3. Withdrawals:**

A member on Withdrawal shall forfeit all the benefits of the Local during the time of his/her Withdrawal.

**Section 4.** A member on Withdrawal and wishing to return shall pay all back dues, fines, and assessments charged against his/her account up to a maximum of one (1) year from the date the Withdrawal Card was issued.

**Section 5.** Any member who has been on Withdrawal for not more than one (1) year, shall be given prior consideration upon application for reinstatement into the Union, and any member who has been on Withdrawal over a year, but not more than two (2) years may, if acceptable, have his/her name placed on the "A" Board.

**Section 6. Leaves of Absence:**

Leaves of Absence will be issued for three (3) month intervals and may be extended quarterly up to a maximum of one (1) year from the original date of issue,

PROVIDED THAT:

- (a) the member reports to the Local Office quarterly and pays all the indebtedness charged against his/her account for that quarter, or
- (b) he/she pays twelve (12) months dues in advance and assessments upon his/her return.
- (c) \* failure to comply with these aforementioned conditions (a) and (b) will subject the member to the conditions attaching to Withdrawals.

**Section 7.** A member on Leave of Absence and complying with all conditions attached thereto, shall automatically be reinstated upon his/her return.

**Section 8.** \* It shall be the responsibility of every member to know that as a result of lengthy absence he/she could lose any or part of his/her Contract Benefits; i.e. Pensions, Welfare, Paid Vacations, etc.

## **ARTICLE IV**

### **DUES, ARREARS, BAD STANDING**

**Section 1.** Dues shall be due on the first day of the month and payable no later than the last day of the current month.

**Section 2:** If dues are not paid by the last day of the month, they shall be in arrears for that month.



**Section 3:** Any person who permits his/her dues to fall in arrears two months shall be in Bad Standing and shall stand suspended. He/She shall forfeit all the rights associated with membership in the Local, including the right to work under the jurisdiction of the Local.

**Section 4:** Any person suspended under section 3 may return his/herself to Good Standing by applying to the Secretary with full payment of all indebtedness up to and including the current month.

**Section 5** Any person who permits his/her dues to fall in arrears six months or more, shall be liable to expulsion. Anyone in arrears six (6) or more months and wishing to return him/herself to Good Standing or requesting reinstatement shall proffer payment for all indebtedness up to and including the current month and shall apply to the Membership & Grievance Committee which shall make an appropriate recommendation. Nothing in this Section 5 shall interfere with the right to take a Withdrawal Card or Leave of Absence under Article III.

**Section 6:** The dues rate structure shall be set at four (4) times the straight time base rate of pay.

**Section 7:** The Initiation Fee shall be set at Fifty (\$50.00) Dollars.

## **ARTICLE V**

### **RULES OF ORDER**

**Section 1.** For the purpose of dealing with urgent matters, the regular order of business may be suspended if such is carried by a two-thirds (2/3) majority vote.

**Section 2.** Conversation or conduct which disturbs a member while speaking or which in the opinion of the Chair interferes with the effective transaction of business shall not be permitted, and the presiding officer at any meeting has the power to impose a fine of (\$25.00) Twenty-five Dollars for each offense, on any member for contempt or unruly conduct and such member may be ordered removed by him/her, if necessary. A member fined shall stand suspended from all work until such fine is paid.

**Section 3.** No Motion shall be entertained unless seconded, and both the mover and seconder must be recognized by the Chair. The Motion shall be put in writing, if so required by the Secretary.

**Section 4.** In moving a resolution, a brief statement of its purpose may be made, but no discussion of its merits shall be allowed until the Chair puts the question on the floor for discussion.

**Section 5.** Any member having made a motion can withdraw it with the consent of the seconder, but if it has been debated, it may not be withdrawn without the consent of the meeting.

**Section 6.** A member desiring to be heard, shall rise and respectfully address the Chair, and if recognized by the Chair, he/she shall be entitled to the floor.

**Section 7.** A vote may be had on any question on request of a member, whenever in the opinion of the Chair, the subject has been sufficiently discussed to be comprehended.

**Section 8.** If two or more members rise to speak at the same time, the Chair shall decide which is entitled to the floor.

**Section 9.** Each member when speaking shall confine his/her remarks to the question under debate and avoid all personal and indecorous language.

**Section 10.** No interruption of the speaker shall be permissible except on a point of order, which shall be brief and precisely stated, and shall be decided by the Chair without debate.

**Section 11.** When a member who has been speaking has been called to order, he/she shall take his/her seat or step back from the microphone until the point is decided, when he/she may or may not proceed subject to the ruling of the Chair.

**Section 12.** If any member is dissatisfied with the decision of the Chair, he/she may appeal to the meeting against the decision, by saying, "I challenge the ruling of the Chair".

**Section 13.** When the Chair's decision is challenged by a member, the Chair shall turn the gavel over to the Vice President or another Officer. The challenger shall then state the reason for his/her challenge and the Chair shall give the reasons for his/her decision. The meeting shall then vote upon the challenge without further debate. The presiding Chair shall call for the vote with these words "All those in favour of upholding the Chair's decision say Aye; - All those against the decision of the Chair say Aye".

**Section 14.** No member shall speak more than once on the same subject until all members desiring the floor have spoken, nor more than twice without consent.

**Section 15.** Major motions pertaining to work rules or job opportunities can be accepted in principle only, at a Membership Meeting and must be referred to the Executive and returned at a later meeting for ratification.

**Section 16.** The presiding officer shall not speak on any subject except points of order, and appeals from the decision of the Chair. He/She shall not have a vote on questions before the meeting, and in case of a tie shall cast the deciding vote.

**Section 17.** When the previous question is moved and seconded, it shall be put in this form "shall the main question now be put?" or "all in favour that discussion cease." If this is carried, all further motions, amendments and debate shall be excluded and the question put without delay.

**Section 18.** When a question is before the meeting no motions shall be in order, except:

1. To table.
2. To close debate. (Previous question)
3. To postpone to a given time.

4. To refer or recommit.
5. To amend.

And these motions shall have precedence in order herein arranged.

**Section 19.** The following shall not be debatable:

1. To adjourn.
2. To call to order.
3. To close debate. (Previous question)
4. To extend the limits of debate.
5. To table.
6. To call for the orders of the day. (Stick to the Agenda)
7. To read a document or paper.
8. To withdraw a motion.

**Section 20.** If a motion has been amended, the question on the amendment shall be put first. If more than one amendment has been offered, the question shall be put as follows:

1. Amendment to the amendment.
2. Amendment.
3. Original proposition. (Main Motion)

**Section 21.** Before putting a question to vote the presiding officer shall say, "The floor is open for discussion". Then it shall be open for debate. If no member rises to speak, the presiding officer shall then put the question, and after the vote is taken he/she shall immediately announce the result.

**Section 22.** Before the presiding officer declares the vote on a question or immediately thereafter, any member may call for a division of the house (i.e. a standing vote), when the Chair is duty bound to comply with the request, and a standing vote shall be taken.

**Section 23.** When a question has been decided, it can be reconsidered only at the same meeting or on the next regular meeting night.

**Section 24.** A motion to reconsider must be made and seconded by two members who voted with the majority.

**Section 25.** A motion to stop the clock shall be in order.

**Section 26.** A motion to adjourn shall always be in order except:

1. When a Motion is before a meeting.
2. When a member has the floor.
3. When the members are voting.