



**FFAW | UNIFOR**  
Fish, Food & Allied Workers

# **Constitution**

*Current as of January 2018*

# Article I – Name, National Affiliation, Convention, and Structure

## Section 1 - Name

- (i) This organization shall be known as Fish, Food and Allied Workers (FFAW-Unifor) and shall maintain its headquarters in the metropolitan area of St. John's, Newfoundland and Labrador.

## Section 2 – National Affiliation

- (i) Fish, Food and Allied Workers (FFAW-Unifor) shall be authorized to accept status as, and shall then become a subordinate body of Unifor, in accordance with the provisions of the Unifor Constitution and the merger agreement dated November 7, 1988 between Fish, Food and Allied Workers Union and CAW-Canada.
- (ii) This Constitution shall conform to the Unifor Constitution so long as the Unifor Constitution does not conflict with the merger agreement of November 7, 1988.

## Section 3 – Convention

- (i) The Convention is the highest authority of FFAW-Unifor. The Convention shall adopt and amend this Constitution, set the process for elections, and adopt policies and measures as necessary for the governance and administration of the Union.
- (ii) The Convention shall be held every three years at a place and time determined by the Executive Board of the Union.
- (iii) A special convention may be called at any time by the President or by a majority of the Executive Board of the Union.

## Section 4 – Structure of the Union

- (i) The Union shall be composed of at least two division:
  - a. The Inshore Division
  - b. The Industrial/Retail/Offshore Division
- (ii) All members of the Union, regardless of division, shall have the same rights and privileges.

## Section 5 – Other Documents

- (i) The Executive Board of the Union may adopt:
  - a. Bylaws;
  - b. A Code of Conduct;
  - c. A Charter of Principles; and
  - d. Any other document to improve the overall strength, health, and purpose of the Union.



## Article II - Objects and Purposes

The objects and purposes of this Union shall be as follows:

### Section 1 – Regulate Employee/Employer Relations

To regulate relations in the Province of Newfoundland and Labrador between employers and employees, and between operators and fish harvesters, through collective bargaining.

### Section 2 – Improve Wages and Fish Prices

To improve wages and fish prices, to improve working conditions, and to maintain and protect the interests of the members of the Union.

### Section 3 – Unite Workers

To unite workers and fish harvesters in one organization, regardless of race, sex, creed, colour, marital status, sexual preference, disability, political or religious affiliation, or place of national origin.

### Section 4 – Improve Health and Safety

To improve the health and safety conditions in the workplace with the goal of eliminating occupational injury and disease and making the workplace health-enhancing.

### Section 5 – Educate the Membership

To educate our membership in the history of the labour movement, in its role in social progress and its impact on the community; to assist members to be alert and vigilant to events in the world affecting workers; to encourage the members to become involved in political action with the aim of promoting the ideas and the candidates advancing the rights of workers; to work for legislation at all levels of government which will bring about better lives for the powerless and disenfranchised; including adequate public pension, free universal medical care, guaranteed annual income, and adequate services to people.

### Section 6 – Political and Civic Engagement

To engage in legislative, political, educational, civic, welfare and other activities which further, directly or indirectly, the joint interests of the membership of this organization in the improvement of general economic and social conditions of Canada and generally in the nations of the world.

### Section 7 – Labour Solidarity

(a) To work together with other trade unions for solidification of the entire labour movement. To provide assistance, financial and otherwise, to labour and other organizations in

Canada and other parts of the world having purposes and objectives similar or related to those sought by this organization.

(b) In accordance with this Constitution the Executive Board is authorized to take whatever action is required to enable the Union to mobilize, assist and work with other organizations, alone or in combination, toward the objective of meeting the urgent problems which confront society and the labour movement in this 21th Century period of rapid and accelerating technological and social change.

## Article III - Jurisdiction

### Section 1

The geographical jurisdiction of this Union shall be the Province of Newfoundland and Labrador and such other areas as may be determined from time to time by the Executive Board of the Union.

## Article IV – Membership

### Section 1 – Eligibility for Membership

- (i) All persons engaged in work within the geographical jurisdiction of the Union shall be eligible for membership in the Union.

### Section 2 – Obtaining Membership in the FFAW-Unifor

- (i) An individual shall obtain membership when he or she:
  - a. Is employed within a bargaining unit represented by the Union;
  - b. Is employed within or seeking employment within a bargaining unit for which certification is being sought;
  - c. Is engaged in the activity of fishing either as owner/operator, shareperson, or otherwise, and whether such person is actively fishing or not at any given time;
  - d. Is employed by an employer or salaried officer of the Union; or
  - e. Meets such other conditions as may be established by the Executive Board, in conjunction with the appropriate council.

### Section 3 – Designating an Inshore Fisher and Active Fisher

- (i) The Inshore Council of the Union shall have the authority to establish criteria for designating:
  - a. The necessary criteria for being an inshore fish harvester;
  - b. The necessary criteria for being an active fisher; and
  - c. The necessary criteria for any other inshore fish harvester status.
- (ii) The criteria established for those designations set forth in 3(i) shall be listed in the bylaws to this Constitution.

### Section 4 - Applicability

- (i) All members shall be subject to the Constitution of this Union and any duly authorized By-Laws, Rules, and Regulations.

### Section 5 – Membership During Organizing Campaign

- (i) A person who signs an application for membership and accepts membership in the Union during an organizing campaign, is deemed to be a member of the Union until there has been an Order for certification granted by the Labour Relations Board for the bargaining unit or proposed bargaining unit in which he or she has applied for membership.
- (ii) There shall be no requirement for payment of a membership fee except where required by applicable labour legislation.

- (iii) This provision shall not relieve a member from the obligation to pay all dues and assessments which may otherwise be applicable.
- (iv) Membership under this Section shall lapse in the event of an unsuccessful certification campaign.



## Article V – Union Officers and the Executive Board

### Section 1 – Union Officers

The officers of the Union shall consist of:

- (i) A President, who shall be elected in accordance with the provisions of Article VII of this Constitution;
- (ii) A Secretary-Treasurer who shall be elected in accordance with the provisions of Article VII of this Constitution;
- (iii) A Vice-President (Inshore), who shall be elected in accordance with the provisions of Article VII of this Constitution;
- (iv) A Vice-President (Industrial/Retail) who shall be elected in accordance with the provisions of Article VII of this Constitution.

### Section 2 – The Executive Board

- (i) The Executive Board shall consist of the Officers of the Union and twelve (12) additional members.

### Section 3 – Inshore Representation on the Executive Board

- (i) Six (6) members of the Executive Board shall be elected from the membership of the Inshore Division in the Province of Newfoundland and Labrador pursuant to this section.
- (ii) One (1) Inshore Division member shall be elected to the Executive Board from each of the following geographic regions:
  - a. The Avalon Peninsula (Swift Current to Sunnyside);
  - b. The Northeast Coast (Southport to Jackson’s Arm);
  - c. The Northern Peninsula and Labrador (Harbour Deep to Norris Point, plus Labrador);
  - d. The West and South Coasts (Woody Point to Monkstown);
- (iii) All Inshore Division representatives to the Executive Board listed in section 3(ii) of this Article shall be elected in accordance with the provisions of Article VII of this Constitution.
- (iv) One (1) woman Inshore Division member shall be elected to the Executive Board as the woman representative of the Inshore Division on the Executive Council.
- (v) The woman representative shall be elected in the following manner:
  - a. The election shall take place at the triennial Convention;

- b. Only women in attendance at the Convention that are members of the Inshore Division shall be eligible to vote for the woman inshore representative on the Executive Council.
- (vi) One (1) Inshore Division member, who is identified as a crew member on an inshore fishing vessel, shall be elected to the Executive Board to represent crew members.
- (vii) The crew member representative shall be elected in the following manner:
  - a. The election shall take place at the triennial Convention;
  - b. Only crew members in attendance at the Convention shall be eligible to vote for the crew member representative on the Executive Council.

Section 4 – Industrial/Retail/Offshore Representation on the Executive Board

- (i) Six (6) members of the Executive Board shall be elected from the membership of the Industrial/Retail/Offshore Division in the Province of Newfoundland and Labrador.
- (ii) One (1) Industrial/Retail/Offshore representative on the Executive Board shall be elected by fish plant workers in each of the following geographic regions:
  - a. From Cape Freels south to Cape Pine, inclusive;
  - b. From Cape Pine west to Cox’s Cove, inclusive;
  - c. To represent Labrador, the Northern Peninsula, and that portion of the Northeast Coast from Jackson’s Arm to Cape Freels, inclusive.
- (iii) The Industrial/Retail/Offshore Division representatives to the Executive Board listed in section 3(ii) of this Article shall be elected in accordance with the provisions of Article VII of this Constitution.
- (iv) One (1) Industrial/Retail/Offshore division member who works at sea shall be elected to the Executive Board.
- (v) One (1) Industrial/Retail/Offshore division member who works in a non-fishing related industrial unit shall be elected to the Executive Board.
- (vi) The rules and procedure for the election of an at-sea representative and a non-fishing related representative from the Industrial/Retail/Offshore division to the Executive Board shall be set forth in the Bylaws to this Constitution.
- (viii) One (1) woman Industrial/Retail/Offshore Division member shall be elected to the Executive Board as the woman representative of the Industrial/Retail/Offshore Division on the Executive Council.
- (ix) The woman representative shall be elected in the following manner:
  - a. The election shall take place at the triennial Convention;

- b. Only women in attendance at the Convention that are members of the Industrial/Retail/Offshore Division shall be eligible to vote for the woman inshore representative on the Executive Council.

#### Section 5 – Executive Board Meeting Quorum and Voting

- (i) A majority of the Executive Board shall be present at a meeting to constitute a quorum to conduct Union Business.
- (ii) Each member of the Executive Board shall have one vote on motions put to the floor.
- (iii) Unless noted as holding a conflict of interest or granted permission by the President to abstain, all Executive Board members present at a meeting shall vote on motions put before it.
- (iv) Unless stated otherwise by the President, decisions by the Executive Board shall not be conducted by secret ballot.
- (v) The President shall not cast a vote on a motion before the Executive Board unless it is to break a tie.

#### Section 6 - Bonded

- (i) All officers and employees handling any funds or other assets of the Union shall be bonded in conformity with application law.
- (ii) The cost of such bonds is to be borne by the Union.

#### Section 7 - Meetings

- (i) The Executive Board shall meet a minimum of three (3) times annually.
- (ii) A special meeting with the Executive Board may be called by the President or a majority of the Executive members.
- (iii) The procedure for calling a special meeting shall be set forth in the Bylaws to this constitution.

#### Section 8 – Meeting Attendance

- (i) If any officer of Executive Board:
  - a. Misses three consecutive Executive Board meetings without a reasonable excuse for his or her absence; or
  - b. Fails to maintain good standing membership in the Union; or
  - c. Is found to be in breach of this Constitution or its Bylaws;the Executive Board shall declare his or her office vacant.

- (ii) A definition for what qualified as a reasonable excuse shall be set forth in the Bylaws to this Constitution.

#### Section 9 – Remote and Electronic Voting

- (i) A vote on a motion before the Executive Board may be conducted:
  - a. By mail vote;
  - b. By teleconference; or
  - c. Any other means of deemed capable by the President of providing an accurate result.

#### Section 10 – President and Secretary Treasurer Remuneration

- (i) The salary of the President, which was \$129,328.68 effective January 1, 2015, and the salary of the Secretary-Treasurer, which was \$106,607.28 effective January 1, 2015, shall remain at those levels until December 31, 2015.
- (ii) Effective January 1, 2016, the Executive Board shall have the authority to increase those salaries provided that the rate of increase shall not exceed the rate of increase achieved in major collective agreements on behalf of the membership.

## Article VI – Committees

### Section 1 – Establishing Committees

- (i) With the exception of those committees listed in Section 2 of Article VI, the Executive Board shall have the sole and exclusive right to establish or disband committees of the Union.

### Section 2 – Permanent Committees of the Union

- (i) The following committees are permanent committees of the Union:
  - a. The Elections Committee;
  - b. The Resolutions Committee;
  - c. The Inshore Disciplinary Committee; and
  - d. The Industrial/Retail/Offshore Disciplinary Committee.

## Article VII – Election of Officers and the Executive Board

### Section 1 – Election of Officers and the Executive Board

- (i) The following positions within the Union shall be elected by a secret ballot vote of the entire membership:
  - a. President; and
  - b. Secretary-Treasurer
- (i) The Vice-President – Inshore shall be elected by a secret ballot vote of the Inshore Division membership.
- (ii) The Vice President – Industrial/Retail/Offshore shall be elected by a secret ballot vote of the Industrial/Retail/Offshore Division membership.
- (iii) With the exception of the Women Representative and Crew Member positions, all other Executive Board members shall be elected by secret ballot vote of the members within their corresponding geographic areas or units.

### Section 2 – Nomination Period and Election Notification

- (i) Nominations for the positions set out in Section 1 shall be conducted during a period not exceeding sixty (60) days within the eight-month period immediately preceding the triennial Constitutional Convention. A Constitutional Convention will be held in 2015 and every three years thereafter.
- (ii) Not less than fifteen (15) days prior to the opening of nominations, all members shall be notified of the time, place, and manner for conducting nominations. Such notice may be provided through public notice at the workplace, or mailed notice to the member's last known home address, or a combination thereof, at the discretion of the Election Chairperson.
- (iii) Not less than thirty (30) days prior to the opening of the elections period, all members shall be notified, in the manner set forth in Section 2(ii), of the time, place and method for conducting elections.
- (iv) Notice of nominations and notice of elections may be combined into a single notice.

### Section 3 – Eligibility to Nominate and Vote

- (i) Every Union member in good standing shall be eligible to nominate and vote in the election of officers and Executive Board.
- (ii) For the purposes of this Article VII of this Constitution only, a member in good standing includes members that possess a current union card and members that are

eligible to receive a union card in the calendar year that the election is being held. The list of those eligible to receive a Union card in the calendar year of the election shall be set as of March 31<sup>st</sup> of the election year.

- (iii) All members in good standing shall be eligible to nominate and vote in the election of President and Secretary-Treasurer.
- (iv) All Inshore Division members in good standing shall be eligible to nominate and vote in the election for the Vice-President – Inshore.
- (v) All Industrial/Retail/Offshore members in good standing shall be eligible to nominate and vote in the elections of the Vice-President – Industrial/Retail/Offshore.
- (vi) The nominations and elections for other Executive Board positions, with the exception of the Women’s Representative position, shall be open to members in good standing within their respective units, divisions and geographic areas.
- (vii) Nominations of candidates for the Inshore Women’s Representative position shall be made by women members in good standing within the Inshore Division.
- (viii) Nominations of candidates for the Industrial/Retail/Offshore Women’s Representative position shall be made by women members in good standing within the Industrial/Retail/Offshore division.

#### Section 4 – Nominating Procedures and Requirements

- (i) Nominations and elections shall be conducted in such a manner as to afford all active members in good standing the reasonable opportunity to nominate and vote.
- (ii) To be valid, each nomination for an Executive Board position shall be:
  - a. Submitted in writing to the Elections Committee;
  - b. Forwarded and seconded by members in good standing and who are members of the constituency that the nominee seeks to represent;
  - c. Supported by the written consent of the nominee accepting nomination.
  - d. Supported by an affidavit of the nominee accepting nomination swearing or affirming that: (1) he or she has not been at any time within the past three (3) years a member, officer or director of an association or organization that has sought or seeks to represent through collective bargaining persons who are represented by FFAW-Unifor for that purpose, or (2) he or she has renounced membership in such an association or organization at least 12 months prior to his or nomination and provides written proof of such renunciation of membership as an exhibit to the affidavit.
- (iii) The nominee(s) for President and Secretary-Treasurer must be a member in good standing of the Union.

- (iv) The nominees for both Vice-President positions must be a member in good standing in the Division which he/she seeks to represent.
- (v) Nominees for the remaining Executive Board positions must be a member in good standing of the Division, unit, and geographic area which he/she seeks to represent.
- (vi) To be eligible to be nominated for the positions referred to in (iii), (iv) and (v), the person nominated must not have been at any time within the past three years a member, officer or director of any association or organization that has sought or seeks to represent through collective bargaining persons who are represented by FFAW-Unifor for that purpose, provided however that such a person nominated will be eligible upon providing proof, supported by affidavit as outlined in (ii) d. that he or she renounced membership at least 12 months prior to his or her nomination.

#### Section 5 - Voting

- (i) Elections shall be conducted by a secret ballot.
- (ii) Ballots will be mailed simultaneously to all members in good standing.
- (iii) All ballots shall be marked as being authorized by the Elections Committee.
- (iv) There shall be a voting period of no less than thirty (30) calendar days, which shall commence the day the ballots are mailed out, during which members may submit completed ballots to the FFAW headquarters.
- (v) Any ballots returned after the closing of the voting period shall be immediately destroyed.
- (vi) Accompanying each ballot shall be a notice informing the members of the voting deadline and a postage paid return envelope.
- (vii) Any ballots not properly returned shall be considered spoiled and shall not be counted.
- (viii) Write-in candidates and proxy voting shall not be permitted.
- (ix) The rules and procedure of voting shall be set forth in the Bylaws to this Constitution.
- (x) The rules and procedures for replacing lost or destroyed ballots shall be set forth in the Bylaws to this Constitution.

#### Section 6 – Deciding Elections

- (i) All returned ballots shall be kept in a secure location that shall only be accessed by the Chair of the Elections Committee.



- (ii) Within forty-five (45) days after the close of the voting period, the Elections Committee shall meet to tally and record the results of this election.
- (iii) No candidates shall be present at the counting of the ballots. Each candidate may designate an individual to monitor the counting of the ballots cast in his/her election. Any and all costs related to the monitor shall be borne by the candidate.
- (iv) The candidate who received the most votes (plurality) for any office shall be declared elected.
- (v) In the event of a tie ballot for the position of President or Secretary-Treasurer, a joint meeting of the Executive Board, Inshore Council and Industrial/Retail/Offshore Council shall be convened for the purpose of conducting a ballot among members of the Executive Board and councils for the purpose of breaking the tie.
- (vi) If the tie is for the position of President, the candidates for President shall not attend or vote at this meeting. If the tie is for the position of Secretary-Treasurer, the candidates for Secretary-Treasurer shall not attend or vote at this meeting.
- (vii) In the event of a tie ballot in any other position, the members of the appropriate Council shall meet and hold an election to break the tie. The candidates for the election being considered by the Council shall not attend or vote at the tiebreaking meeting.
- (viii) The Elections Committee shall immediately notify the President, Secretary-Treasurer, Executive Board members and all candidates of the results of the elections.
- (ix) Within one (1) day of recording the results, the FFAW shall post the name of the winners of each election in a conspicuous location on its webpage.
- (xi) In the event that an election is declared null and void as a result of an appeal or challenge under the Constitution, the Elections Committee shall issue new writs of election and the process set forth in this Article shall restart.

#### Section 7 - Acclamations

- (i) When nominations have been completed and a candidate is unopposed, that candidate shall be declared to be elected by acclamation.

#### Section 8 – No Candidates

- (i) Should a nomination period for a position close with no nominee, the nomination period shall be extended for an additional thirty (30) calendar days.
- (ii) If at the end of the extended nomination period there is still no nominee, the Executive Board shall pass a motion selecting an individual to fill the vacant position. This process shall continue until an individual accepts the vacant position and all vacant positions are filled.

### Section 9 – Preserving the Ballots

- (i) The ballots and all other records pertaining to nominations and elections, including the membership mailing list which was used to send the notices of the nominations and elections, shall be preserved for not less than one year by the Election Chairperson.
- (ii) At the end of the one-year period, the Election Committee may pass a motion to destroy the ballots.

### Section 10 – Commencement of the Term

- (i) All Union Officers and Executive Board members elected during the triennial election process shall be sworn in to their positions by the Election Chairperson at the conclusion of the Constitutional Convention. The term for the Union Officers and Executive Board shall end at the conclusion of the next triennial Constitution Convention.
- (ii) Union Officers and Executive Board members elected pursuant to a Special Election shall be sworn in to their positions by the Election Chairperson at the next Executive Board or joint Executive Board meeting.

### Section 11 - Vacancies

- (i) Vacancies of Union officers and the Executive Board shall be addressed pursuant to this Section, notwithstanding the remaining sections of Article VII.
- (ii) Where vacancies occur among Union Officers and members of the Executive Board, the Executive Board shall, no later than sixty (60) days after the office is declared vacant, request the Election Chairperson or his/her designate to conduct an election to fill the vacancy for the balance of the term.
- (iii) In the case of a vacancy in the office of President, the Secretary-Treasurer of the Union shall perform the President's duties until the vacancy is filled.
- (iv) In the case of simultaneous vacancies of the office of President and Secretary-Treasurer, the Vice-Presidents of the Union, either together or as individuals, shall have the authority to convene a meeting of the Executive Board to fill the vacancies on an interim basis pending the holding of an election as per Article 12 of this Constitution.
- (v) In the event of a vacancy in the office of President or Secretary-Treasurer, the election to fill the vacancy shall be conducted within thirty (30) days of the close of the nomination period.
- (vi) For vacancies in the office of President or Secretary-Treasurer, the election shall take the form of a secret ballot vote of the members of the Executive Board, the Inshore Council, and the Industrial/Retail/Offshore Council.

- (vii) At the discretion of the Executive Board, either a special joint meeting of the Executive Board and Councils shall be convened for the purpose of conducting the vote required by Section 12(vi) or elections shall be conducted by a mail-in ballot among the members of the Executive Board, the Inshore Council, and the Industrial/Retail/Offshore Council.
- (viii) In the event of a vacancy in:
  - a. The office of Vice-President Inshore; or
  - b. The office of Vice President Industrial/Retail/Offshore
 the election to fill the vacancy shall be conducted by secret ballot vote by the members of the appropriate Council. At the discretion of the Executive Board, such an election shall take place at a regular or special Council meeting or by mail vote of the members of the appropriate Council.
- (ix) The candidate in an election conducted under this Section that receives a majority of the votes cast shall be declared the winner. If no candidate in such an election receives a majority, a run-off election will be held between the two candidates receiving the highest number of votes.
  - a. If two or more candidates are tied with the second most votes, all of those candidates shall be considered in the run-off election.
  - b. Run-off elections shall continue in the manner set forth in Section 12(ix) of this Article until one candidate received a majority of votes.

#### Section 12 - Challenges

- (i) All challenges to an election by a candidate in an election shall be submitted to the Elections Committee Chairperson not more than fifteen (15) calendar days after the close of the election period.
- (ii) For the purposes of this section, an election period commences on the first day of nominations and concludes on the day the results are declared by the FFAW, either on their website or through other means.
- (iii) The Election Committee shall consider any such challenge and such remedial action as they deem appropriate within thirty (30) days of the challenge being filed. Irregularity in procedure shall not automatically invalidate an election. Possible grounds for challenges and remedial actions shall be listed in the Bylaws to this constitution.
- (iv) Not more than (15) days subsequent to the decision of the Election Committee, an aggrieved challenging party may appeal such decision to the Executive Board. The decision of the Executive Board is final.
- (v) If the challenge relates to a sitting Union Officer or member of the Executive Board, that individual shall not attend at or participate in any meetings or discussions related to the appealed election challenge.

- (vi) Any challenge or appeal which could have been presented in compliance with these filing requirements, but was not, shall be deemed to have been waived.
- (vii) Any member of the Union who has been declared to be ineligible to run for office shall have 48 hours to file a written appeal from the time that member is notified in writing by the Union of his/her ineligibility.
  - a. The appeal shall be filed with the Election Committee;
  - b. The rules and procedure for appealing an ineligibility to run shall be set forth in the Bylaws to this Constitution.
- (viii) A member of the Union may make a protest or charge concerning an election any time between the dates that ballots are mailed out to members and the date of the close of balloting.
  - a. The charge or protest shall be filed with the election committee.
  - b. A member shall not file a protest or charge concerning an election for which the member is ineligible to vote.
  - c. The rules and procedure for filing the charge or protest shall be set forth in the Bylaws to this Constitution.

## Article VIII – The Election Committee

### Section 1 – Establishing the Committee

- (i) There shall be an Election Committee of not less than five (5) members to supervise the conduct of nominations and elections.
- (ii) The Election Committee shall be nominated and elected by the delegates at the triennial Constitutional Convention.
- (iii) The members of the Election Committee shall not be candidates in any election under the Committee’s direction.

### Section 2 – Term

- (i) The Elections Committee shall hold office from time of appointment until the next triennial Constitution Convention.
- (ii) At its first meeting after taking office, the Elections Committee shall elect a Chairperson and a Vice-Chairperson. The Vice-Chairperson shall be authorized to act in the absence of the Chairperson.
- (iii) Vacancies in the Elections Committee shall be filled by appointment by the Executive Board.

### Section 3 – Responsibilities

- (i) The Election Committee shall:
  - a. Set such rules for the conduct of nominations and elections as are necessary and consistent with the provisions of this Constitution.
  - b. Set a deadline for nomination and provide an appropriate nomination form.
  - c. Conduct all elections and by-elections for the offices of the Executive Board.
  - d. Provide such safeguards as are necessary to ensure a fair election and to ensure the secrecy of the individual member’s ballot.
  - e. Maintain custody of all ballots, membership lists and other documents used for the conduct of the nomination and the elections.

### Section 4 – Reporting

- (i) The Elections Committee shall meet within forty-five (45) days after the deadline for the return of ballots for the triennial election to tally and record the results.
- (ii) The Elections Committee shall ensure that the President, Secretary-Treasurer, Executive Board members, and all candidates are informed of the results of the elections and that the winners of each election are posted on the FFAW website.

- (iii) The Elections Committee shall submit a written report to the Executive Board following each election or by-election, detailing the conduct and the results of the election or by-election.

## Article IX – Duties of Union Officers and Executive Board Members

### Section 1 – President’s Roles & Responsibilities

- (i) The President shall convene and preside at all sessions of the Constitution Convention and all meetings of the Executive Board, with the exceptions set forth in Article VII of this Constitution.
- (ii) The President shall:
  - a. Perform such other duties as are necessary to protect and advance the interests of the Union;
  - b. Report his/her activities to meetings of the Executive Board and to the Constitutional Convention.
  - c. Execute the instructions of the Executive Board;
  - d. Have full authority to direct the working of this organization within the provisions of this Constitution and its Bylaws.

### Section 2 – President Staff Appointments

- (i) The President shall appoint such staff representatives as he/she may deem necessary from time to time, with such appointments requiring the approval of the Executive Board.

### Section 3 – President Full Time Position

- (i) The President shall be a full-time representative of the Union.

### Section 4 – Secretary-Treasurer’s Roles & Responsibilities

- (i) The Secretary-Treasurer shall:
  - a. Cause to be recorded the minutes and proceedings of the Constitutional Convention and meetings of the Executive Board and appropriate Councils;
  - b. Have charge of and preserve all books, documents and effects of the Union, except such records as properly belong to the Office of the President;
  - c. Be the custodian of the funds of the Union;
  - d. Cause to be maintained the financial records of the Union;
  - e. Present a financial report to the Constitutional Convention and annually to the Inshore and Industrial/Retail/Offshore Councils. Financial reports shall also be provided upon request to any member in good standing; and
  - f. Present an annual audited financial report to the Executive Board.

### Section 5 – Posting Minutes

- (i) The Secretary-Treasurer shall mail to each unit on a timely basis a summary of minutes of all meetings of the Executive Board and the appropriate council.

#### Section 6 – Secretary-Treasurer Full Time Position

- (i) The Secretary-Treasurer shall be a full-time representative of the Union.

#### Section 7 – Vice-Presidents

- (i) The Vice-Presidents shall:
  - a. Assist the President in the discharge of the President's duties; and
  - b. Chair the meetings of their respective Councils.

#### Section 8 – Executive Board

- (i) The Executive Board of the Union shall have full authority between Constitutional Convention of this Union to perform all acts and duties necessary for carrying out the business of the Union pursuant to this Constitution, except where otherwise provided in this Constitution.
- (ii) Without limiting the general duties and responsibilities of Section 10(i), the Executive Board shall be responsible for:
  - a. Managing the administrative and financial affairs of the Union, including the authority to establish appropriate Union policy on matters of financial management.
  - b. Developing a policy governing the payment of lost earnings and expenses for Union members attending Executive Board meetings, Conventions and other matters of authorized Union business.
  - c. Generally coordinate the activities of the Union, subject to the provisions of this Constitution.
  - d. Establishing, through collective bargaining or otherwise, salaries and working conditions for employees of the Union, and to determine employment benefits for employees and full-time officers.
  - e. Review and amend the Bylaws and Code of Conduct of the Union.

#### Section 9 – Signing Authority

- (i) For banking purposes, the signing authority of the Union shall consist of the President, the Secretary-Treasurer and such employees of the Union as the Executive Board may designate.
- (ii) For the purposes of applications to the Labour Relations Board, notices and collective agreements, the signing authority for the Union shall consist of the Officers of the Union as well as such other persons as may be authorized by resolution duly passed at the Constitutional Convention of the Union.



## Article X – Inshore Division

### Section 1 - General

- (i) The Inshore Division may meet during the Constitutional Convention of the Union.
- (ii) The Vice-President Inshore shall serve as the Chairperson of the Inshore Council. The Chairperson of the Council shall chair meetings of the Council.

### Section 2 – Meeting of Inshore Division

- (i) The President or his designate shall be responsible for convening and organizing meetings among members of the Inshore Division for the purpose of:
  - a. Preparing for negotiations;
  - b. Discussing policy issues;
  - c. Discussing such other matters of business as the Inshore Council, in conjunction with the President and Secretary-Treasurer, shall deem appropriate.

### Section 3 – Local Committees

- (i) Members of the Inshore Division shall elect union committees by fleet, species, community, community or by group of communities.
- (ii) Local union committees shall include a Chairperson, Vice-Chairperson and a Recording Secretary.
- (iii) The term of office for local union committees shall be three years.
- (iv) The President shall approve a shorter term of office for a local union committee upon the written request endorsed by a majority of the committee or upon passage of a resolution at a local union committee meeting requesting that the committee step down.
- (v) If a union committee steps down before the end of the term, the President shall appoint an interim committee to serve for the remainder of the term.

### Section 4 – Committee Selection and Eligibility

- (i) All members in good standing working under the jurisdiction to be represented by a committee member shall be eligible to nominate and vote for the committee member.
- (ii) To hold office as a committee member, an Inshore Division member shall be:
  - a. A member in good standing; and
  - b. An active fisher, meaning that he or she has been employed as a fish harvester, either as an owner/operator or crew member, during the past twelve (12) months.

- (iii) All committee members shall be elected by secret ballot vote.

#### Section 5 – Recall and Removal

- (i) A committee member may be recalled by the members he/she represents for failure to perform the duties of the office.
- (ii) The rules and procedure for the recall of committee members shall be set forth in the Bylaws to this Constitution.
- (iii) Any committee member who misses three consecutive membership meeting or committee meetings without reasonable cause shall be removed from his/her position.
- (iv) A committee member who contests her/her removal may appeal to the Inshore Council stating his/her reason for missing meetings. The rules and procedures for such an appeal shall be set forth in the Bylaws to this Constitution.

#### Section 6 – The Inshore Council

- (i) There will be an Inshore Council of the Union with the following representation:
  - a. The Vice-President of the Inshore, who shall also serve as Chairperson;
  - b. The President of the Union;
  - c. The Secretary-Treasurer of the Union;
  - d. The Six Inshore Representatives on the Executive Board; and
  - e. No fewer than eighteen (18) additional representatives to be elected pursuant to Section 7 of this Article.

#### Section 7 – Election of the Inshore Council

- (i) To serve on the Inshore Council, a member must:
  - a. Be part of the Inshore Division; and
  - b. In good standing with the Union.
- (ii) The Inshore Council shall consist of no fewer than 27 members and no more than 35 members.
- (iii) In addition to those members set forth in Section 6 of this Article, the Inshore Council shall consist of:
  - a. At least 4 members representing crew members on vessels;
  - b. At least 4 women representatives; and
  - c. A maximum of four (4) at-large representatives.
- (iv) An individual on the Inshore Council may satisfy up to 3 of the classifications set forth in this article. Therefore, a woman crew member elected from Pouch Cove

could serve as a geographic representative, as a women's representative, and as a crew member representative.

- (v) The geographic regions from which regional representatives to the Inshore Council shall be elected shall be set forth in the Bylaws to this Constitution.
- (vi) The rules and procedures for the selection of crew members, women representatives, and at-large members to the Inshore Council shall be set forth in the Bylaws to this Constitution.

#### Section 8 – Election of Regional Representatives to the Inshore Council

- (i) Within sixty (60) days of the end of the triennial Constitution Convention, there shall be a nomination period for the regional representatives of the inshore council. The nomination period shall be open for no more than fifteen (15) days.
- (ii) The rules and procedure for the nomination process shall be set forth in the Bylaws to this Constitution.
- (iii) Within thirty (30) days of the close of the nomination period, a mail-in ballot shall be forwarded to all of the Inshore Council members who are in good standing so that they may vote for a regional Inshore Council representative in their region.
- (iv) The voting period, defined as the date the ballots are mailed out and the date all ballots must be received, shall be open for a period of not less than thirty (30) days.
- (v) The rules and procedures for election of regional Inshore Council representatives shall be set forth in the Bylaws to this Constitution.
- (vi) If, for whatever reason, a Council member elected to be a member of the Inshore Division, has his/her Council seat declared vacant, a successor shall be selected by Council for the balance of the term.

#### Section 9 - Meetings

- (i) The Inshore Council shall meet at least twice annually.
- (ii) Quorum shall be achieved when twenty (20) or more Inshore Council members are in attendance.

#### Section 10 – President to Report

- (i) The President or his designate shall make a report on matters of particular interest to the Inshore and on matters of general importance to the Union at each meeting of the Inshore Council.

#### Section 11 - Responsibilities

- (i) The Inshore Council shall have the authority to review, amend and establish policy for the Inshore Division in areas of:

- a. Resource management;
  - b. Negotiating policy; and
  - c. Other areas of specific interest to inshore fish harvesters.
- (ii) Subject to Article XV, the Inshore Council shall elect inshore delegates for national conventions, conventions of the Federation of Labour and the Canadian Labour Congress and other conventions to which the Union is entitled to representation.
  - (iii) The Inshore Council shall have the responsibility to develop an education program for training and education of local leadership. Staff assigned to such programs shall report to the Inshore Council when called upon to do so.
  - (iv) In conjunction with the Newfoundland and Labrador Fish Harvesting Safety Association, the Inshore Council shall have the responsibility to develop a health and safety program in the Inshore Division. Staff assigned to such programs shall report to the Inshore Council when called upon to do so.
  - (v) The Inshore Council shall advise the President, Secretary-Treasurer, and Executive Board on such matters as it deems appropriate.
  - (vi) Members of the Inshore Council shall have the responsibility of:
    - a. Reporting to inshore members in their geographic area or to their specific group (women, crew members);
    - b. Acting as the liaison between the Executive Board, Staff Representatives, and local inshore committees in their respective areas.
  - (vii) Union participation on all resource management committees, advisory boards and other agencies of specific concern to inshore members shall be reviewed by the Inshore Council.
  - (viii) The Inshore Council shall have the authority to establish, review, and amend the criteria for designation of certain members as "inshore fish harvesters" and the establishment of priority in the sale of fish under Union collective agreements.

## Section 12

- (i) A member may appeal his/her designation on whether he or she is or is not an "inshore fish harvester."
- (ii) The appeal shall be heard by a three-member Appeal Panel appointing by the President.
- (iii) The Appeal Panel shall consist of at least one Inshore Council member. All members of the Appeal Panel shall be members in good standing.

## Article XI – Industrial/Retail/Offshore Division

### Section 1 – General

- (i) The Industrial/Retail/Offshore Division may meet during the Constitutional Convention of the Union.
- (ii) The Vice-President Industrial/Retail/Offshore shall serve as the Chairperson of the Industrial/Retail/Offshore Council. The Chairperson of the Council shall chair the meetings of the Council.

### Section 2.

- (i) The President or his designate shall be responsible for convening meetings of the Industrial/Retail/Offshore Division as may be deemed necessary by the President and/or the Industrial/Retail/Offshore Council.

### Section 3 – Unit Executives

- (i) Units in the Industrial/Retail/Offshore Division shall elect Unit Executives and Shop Stewards. Unit executives shall include a:
  - a. Chairperson;
  - b. Vice-Chairperson;
  - c. Recording Secretary; and
  - d. Such additional executive members as may be appropriate to a particular unit and approved by the President.
- (ii) The term of office for local Unit Executives shall be three (3) years.
- (iii) The President shall approve a shorter term of office for a local Unit Executive upon a written request endorsed by a majority of the Unit Executive or upon passage of a resolution at a membership meeting of the unit requesting that the Unit Executive step down.
- (iv) If a Unit Executive steps down before the end of the term, the President shall appoint an interim Unit Executive member to serve for the remainder of the term.

### Section 4 – Unit Executive Selection and Eligibility

- (i) All members in good standing working under the jurisdiction to be represented by a Unit Executive or shop steward shall be eligible to nominate and vote for a Unit Executive member or shop steward.
- (ii) To hold office as a Unit Executive member or shop steward, an Industrial/Retail/Offshore member shall be:
  - a. A member in good standing; and
  - b. Employed within the Unit that he or she wishes to represent.

- (iii) All Unit Executive members and shop stewards shall be elected by secret ballot vote.

#### Section 5 – Recall and Removal

- (i) A Unit Executive member or shop steward may be recalled by the members he/she represents for failure to perform the duties of the office.
- (ii) The rules and procedure for the recall of Unit Executive members and shop stewards shall be set forth in the Bylaws to this Constitution.
- (iii) Any Unit Executive member who misses three consecutive membership meetings or committee meetings without reasonable cause shall be removed from his/her position.
- (iv) A Unit Executive member who contests his/her removal may appeal to the Industrial/Retail/Offshore Council stating his/her reason for missing meetings. The rules and procedures for such an appeal shall be set forth in the Bylaws to this Constitution.

#### Section 6 – The Industrial/Retail/Offshore Council

- (i) There shall be an Industrial/Retail/Offshore Council of the Union with the following representation:
  - a. The Vice-President of Industrial/Retail/Offshore Division, who shall serve as the Chairperson of the Industrial/Retail/Offshore Council;
  - b. The President of the Union;
  - c. The Secretary-Treasurer of the Union;
  - d. Industrial/Retail/Offshore Executive Board members;
  - e. Twenty-two (22) members representing specific bargaining Units; and
  - f. Three (3) additional representatives from offshore units. The offshore members, including the member sitting on the Executive Board, shall be divided as follows:
    - i. Oil Tankers, Tugs, and Bulk Carriers – 2 positions
    - ii. Deepsea Groundfish Fleet – 1 position
    - iii. Deepsea Shrimp Fleet – 1 position
- (i) To serve on the Industrial/Retail/Offshore, a member must:
  - a. Be a member of the Industrial/Retail/Offshore Division; and
  - b. Be a member in good standing.
- (ii) The Industrial/Retail/Offshore Council shall consist of no fewer than 28 members and no more than 34 members.
- (iii) Industrial/Retail/Offshore Council seats for a specific bargaining unit shall be filled by the Unit Chairperson, as set forth in Section 3(i) of this Article. If the Unit Chairperson declines, the Unit Executive shall decide who among the Executive shall represent the Unit on the Industrial/Retail/Offshore Council.

- (iv) An individual on the Industrial/Retail/Offshore Council may satisfy both of the classifications set forth above Section 6(iv) of this Article. Therefore, a fish plant representative on the Executive Board may also serve as the representative from an individual bargaining unit in that representative's area.
- (v) The specific bargaining units from which regional representatives to the Industrial/Retail/Offshore Council shall be elected shall be set forth in the Bylaws to this Constitution.

#### Section 7 – Industrial/Retail/Offshore Council Election Procedure

- (i) All Council seats representing single onshore units shall be filled by the Unit Chairperson or if the Unit Chairperson declines nomination, by an election among the remaining members of the Executive of the unit.
- (ii) All Industrial/Retail/Offshore Council seats representing multiple onshore units, such as the metal fabrication representative, shall be filled by an election among the delegates from those units attending the Constitutional Convention. If the election does not occur at the Constitution Convention, it shall occur within ninety (90) days of the end Convention.
- (iii) The election for the three offshore council positions shall be conducted among the delegates attending the Constitution Convention of the offshore units. If the election does not occur at the Constitution Convention, it shall occur within ninety (90) days of the end Convention.
- (iv) If a Council member elected pursuant to the provisions of this Section ceases to be a member of his/her local executive/committee, his/her Council seat shall be declared vacant. The Industrial/Retail/Offshore Council shall have the authority to determine how this individual will be replaced.
- (v) If a bargaining unit ceases to operate due to the closure of a business or any other reasons, the Council seat representing the bargaining unit in question shall be declared vacant no later than one year following the effective date of closure.

#### Section 8 – Appoint Additional Members

- (i) The Industrial/Retail/Offshore Council shall have the authority to add additional members, as necessary, to ensure fair representation of the membership so long as the additional members do not bring the total membership of the Industrial/Retail/Offshore Council to greater than 34.

#### Section 9 - Meetings

- (i) The Industrial/Retail/Offshore shall meet at least twice annually.
- (ii) Quorum shall be achieved when a majority of the Industrial/Retail/Offshore Council members are in attendance.

#### Section 10 – President to Report

- (i) The President or his/her designate shall make a report at each meeting on matters of particular interest to the Industrial/Retail/Offshore Council and on matters of general importance to the Union.

#### Section 11 - Responsibilities

- (i) The Industrial/Retail/Offshore Council shall have the authority to review, amend and establish policy for the Industrial/Retail/Offshore Division in areas of:
  - a. Negotiating policy; and
  - b. Other areas of specific interest to industrial and retail workers.
- (ii) Subject to Article XV, the Industrial/Retail/Offshore Council shall elect industrial/retail/offshore delegates for national conventions, conventions of the Federation of Labour and the Canadian Labour Congress and other conventions to which the Union is entitled to representation.
- (iii) The Industrial/Retail/Offshore Council shall have the responsibility to develop an education program for the training and education of local leadership. Staff assigned to such programs shall report to the Industrial/Retail/Offshore Council when called upon to do so.
- (iv) In conjunction with any relevant sector safety council that exists or may exist in the future, the Industrial/Retail/Offshore Council shall have the responsibility to develop a health and safety program in the Industrial/Retail/Offshore Division. The staff assigned to such programs shall report to the Industrial/Retail/Offshore Council when called upon to do so.
- (v) The Industrial/Retail/Offshore Council shall:
  - a. Advise the President, Secretary-Treasurer, and Executive Board of such matters as it deems appropriate;
  - b. Have the responsibility of reporting to the industrial, retail, and offshore workers they are elected to represent;
  - c. Act as liaison between the Executive Board, Staff Representatives and local unit executive committees in their respective areas.
  - d. Be authorized to establish and elect members to such Union committees as may be necessary to advance and promote the interests of members in the Industrial/Retail/Offshore Division.
- (vi) Union participation on all committees, advisory boards and other agencies of specific concern to industrial, retail and offshore workers shall be reviewed by the Industrial/Retail/Offshore Council.

#### Section 12 – Women’s Conference

- (i) The Industrial/Retail/Offshore Council shall organize a Women’s Conference between Constitutional Conventions of the Union.



## Article XII – Revenue and Investment

### Section 1 – Union Dues

- (i) Union dues for the Industrial/Retail/Offshore Division and for the Inshore Division shall be paid on a weekly or monthly basis.
- (ii) Notwithstanding any
- (iii) of provision in this Article, the Union shall establish minimum annual dues that all members of the Union shall pay to maintain good standing with the Union.
- (iv) The minimum dues for 2015 shall be \$310.00
- (v) Minimum annual dues may change on an annual basis to account for changes in the Consumer Price Index of Newfoundland and Labrador.
- (vi) Notwithstanding any provision in this Article, the Executive Board shall, by a two-thirds majority vote, have the authority to increase the minimum annual dues by \$25.00 per year if, in the judgment of the Executive Board, such an increase is necessary to ensure the financial viability of the Union.
- (vii) Notwithstanding the provisions of this Article, the Executive Board shall be authorized to increase the annual dues to offset any increase in the cost of mandatory life insurance program for members in good standing. The amount of such increase will be limited to the amount required to finance the increased cost of premiums.

### Section 2 – Industrial/Retail/Offshore Dues

- (i) For Industrial/Retail/Offshore workers, weekly Union dues shall equal three-quarters (3/4) of the hourly base rate in each unit, payable in any week in which a member works twelve (12) hours or more hours in a week but fewer than fifty-two (52) hours in a month.
- (ii) For Industrial/Retail/Offshore workers that work fifty-two (52) or more hours in a month, minimum monthly dues equal to three times the hourly base rate in that unit shall apply.
- (iii) An Industrial/Retail/Offshore unit may establish a threshold of less than twelve (12) hours for weekly union dues deduction provided this is endorsed in a membership vote of that unit and approved by the Secretary-Treasurer of the Union.
- (iv) Current union dues for members in offshore units of the Industrial/Retail/Offshore Division shall be increased in proportion to any increases negotiated in collective agreements.

### Section 3 – Inshore Division Union Dues

- (i) The Inshore Council shall establish rules for administering the union dues for members in the Inshore Division, including the rate of weekly deductions and the procedure for collecting arrears.

### Section 4 – Initiation Fee

- (i) A new member to a pre-existing bargaining unit shall pay a one-time initiation fee of \$20.00.
- (ii) Initiation fees are payable only once in a member's lifetime.
- (iii) This initiation fee does not apply in the organizing of new bargaining units.

### Section 5 - Returning to the Bargaining Unit

- (i) A member who is promoted outside the bargaining unit and later returns to the bargaining unit with his or her seniority intact by virtue of the protection of the collective agreement shall be required to pay Union dues for the period of time the member was outside the bargaining unit as a result of the promotion.

### Section 6 – Special Assessments

- (i) Pursuant to the rules set forth in this section, the Executive Board shall have the authority to impose special assessments on the membership during strikes or other financial emergencies which threaten the financial stability of the Union or where requested by the executive of a unit.
- (ii) A special assessment may be applied to particular units of the Union or to the membership, in general.
- (iii) In the Industrial/Retail Division, the membership of each unit shall have the right, by secret ballot, to accept or reject the proposed assessment.
  - a. Seven (7) days' notice must be given of the meeting at which such a vote is taken.
  - b. Such notice shall advise the membership of the assessment being proposed.
- (iv) In the Inshore Division, the Inshore Council shall have the authority to approve or reject the proposed special assessment.
  - a. A simple majority of the Inshore Council members in attendance at the meetings is needed to approve or reject the proposed special assessment.
- (v) An approved special assessment shall remain in place until it is rescinded by a majority vote of the Executive Board.

### Section 7 – Notice to Employers

- (i) The Secretary-Treasurer shall have the authority to advise employers and fish buyers of the amount of union dues, initiation fees, and other assessments to be paid, in accordance with the provisions of this Article.

#### Section 8 – Investment of Union Funds

- (i) The Executive Board of the Union may invest surplus funds accumulated by the Union. The investment of such funds shall remain under the supervision, custody and control of the Union in such manner that will provide a fair and equitable rate of interest.
- (ii) The Executive Board of the Union, acting through the Secretary-Treasurer, may sell or use any of the Union investments as the needs of the Union may require, including the right to reinvest the proceeds from the sale or sales of any investment or investments.
- (iii) The Executive Board of the Union may borrow funds on such terms as may be appropriate.
- (iv) The Executive Board, acting through the Secretary-Treasurer, may retain the services of professional financial advisers to administrate any surplus funds and investments of the Union.
- (v) Individual bargaining units of the Union may open bank accounts in the name of the individual bargaining unit. Individual bargaining units are prohibited from investing any surplus funds.

#### Section 9 – Ownership of Property

- (i) Title to the Union's assets shall be held in the name of the Union or in such manner as to fully protect and preserve the rights and ownership, legal or beneficial, of the Union in any and all such assets.
- (ii) Property or assets of a unit of the Union shall be held in the name of the unit and can only be disposed of by a vote of the membership of that unit.

## Article XIII – Obligations and Duties of Union Members

### Section 1 – Installation Ceremony

- (i) The installation ceremony of members of the Executive Board, Industrial/Retail/Offshore Council, Inshore Council and local unit committees shall be performed by an Officer, Retired Officer or Staff Representative of the Union, or such other person who may be nominated for such purpose by the President.
- (ii) The members pledge shall be set forth in the Bylaws to this Constitution.

### Section 2 – Obligation of Membership

- (i) It shall be the duty of each member to:
  - a. Conscientiously seek to understand and exemplify by practice the intent and purpose of his/her obligation as a member of this Union;
  - b. Render aid and assistance to brother and sister members in case of illness, death, or distress; and
  - c. Acquit her/himself as a loyal and devoted member of the Union.

## Article XIII – Charges

### Section 1 – Filing a Charge

- (i) A member in good standing or a group of members in good standing of the Union may file a charge if they have reasonable cause to believe that another member, other than a member of the Inshore Council or Industrial/Retail/Offshore Council, has violated the procedures and responsibilities established by this Constitution and/or its Bylaws or that a member has engaged in conduct detrimental to the Union. Two (2) or more members may be jointly charged with having participated in the same act or acts charged as an offence or with having acted jointly in commission of such an offence.
- (ii) Conduct detrimental to the Union shall be defined in the Bylaws to this Constitution.
- (iii) No charge shall be considered under this Article if resort to a court, civil authority or other external body has been commenced prior to exhausting the constitutional procedures and remedies in this Constitution.
- (iv) Any alleged act of personal conduct which constitutes harassment as defined by the Unifor Anti-Harassment Policy shall be subject to investigation and resolution as established by the Policy and shall not be the basis of a charge under this Article.
- (v) A charge must be filed within 45 days of a violation of the Constitution or knowledge of a violation. Only the President of the FFAW-Unifor can relieve this time limit.
- (vi) To be accepted, charges shall:
  - a. Be in writing;
  - b. Be signed by the member(s) alleging the charge; and
  - c. Clearly specify the alleged violation of the Constitution or Bylaws or clearly specify the alleged detrimental conduct.
- (vii) The charge shall be submitted to the Secretary-Treasurer of the FFAW-Unifor.
- (viii) Prior to notifying a member that charges have been filed against him/her, the Executive Board shall review the charges and whether it raises a violation and was filed properly. No member of a Disciplinary Committee shall participate in a review of a charge.
- (ix) If the charge is determined not to be timely, or if it is decided that it fails to raise an apparent case of a violation, then the person(s) laying the charge shall be so informed and he/she may forward the charge to the Office of the President of the National Union, pursuant to Article 18 of the Unifor Constitution.
- (x) If the Executive Board determines that the charge was properly filed and sets forth a violation or undue action, the Board shall immediately refer the charge to the relevant Disciplinary Committee.

## Section 2 – Disciplinary Committee

- (i) There shall be an Inshore Division Disciplinary Committee and an Industrial/Retail/Offshore Disciplinary Committee.
- (ii) The Inshore Disciplinary Committee shall consist of the Vice President Inshore and two (2) additional members of the Inshore Council.
- (iii) The Industrial/Retail/Offshore Disciplinary Committee shall consist of the Vice President Industrial/Retail/Offshore and two (2) additional members of the Industrial/Retail/Offshore Council.
- (iv) Council members on the Disciplinary Committee shall be appointed by the President and approved by their respective councils.
- (v) Members of a Disciplinary Committee shall serve three (3) year terms. With the exception of the Vice-President, members of a Disciplinary Committee shall not serve consecutive terms.
- (vi) The Disciplinary Committee shall hear and judge all charges confirmed by the Executive Board.

## Section 3 – Disciplinary Proceedings

- (i) Within seven (7) days of being referred a charge by the Executive Board, the relevant Disciplinary Committee shall provide notice by registered or certified mail to the accused and accuser that a charge has been referred to the Disciplinary Committee.
- (ii) Within four (4) weeks of receiving a charge, the relevant Disciplinary Committee shall send notice to the accused and accuser setting forth a date for a disciplinary hearing.
- (iii) The date of the disciplinary hearing shall be no sooner than three (3) weeks and no later than six (6) weeks from the date of the notice referred to in Section 3(ii) of this Article.
- (iv) Disciplinary Committees shall apply a preponderance of the evidence standard to its proceedings.
- (v) Disciplinary Committee hearings may be held by conference call or any other form of remote communication that allows the parties to speak and listen to each other.
- (vi) Disciplinary Committee hearings shall be informal and focused on resolving charges in a fair manner.
- (vii) Should an accused fail to appear at a disciplinary hearing and fail to provide a reasonable excuse in advance, the hearing shall proceed as if the accused was present.

- (viii) Should an accuser fail to appear at a disciplinary hearing and fail to provide a reasonable excuse in advance, the hearing shall not proceed and the charge shall be dropped.

#### Section 4 – Disciplinary Decisions

- (i) Within two (2) weeks of the conclusion of a disciplinary hearing, a Disciplinary Committee shall render a decision in writing, which may:
  - a. Dismiss the charge;
  - b. Find that the charge is warranted and reprimand a member, and, if necessary, order specific remedies considered fair and reasonable in the circumstances;
  - c. Suspend a member;
  - d. Suspend or remove a member from any elected position within a local unit or committee;
- (ii) The accused and accuser shall be notified in writing within seven (7) days of the decision of the Disciplinary Committee.
- (iii) Within 30 days of being notified of a decision, the accused or accuser may appeal the decision to the Office of President of the National Union, pursuant to Article 18 of the Unifor Constitution.

## Article XIV – Charges Against Members of the Industrial/Retail/Offshore Council and Inshore Council

### Section 1 – Filing a Charge

- (i) A charge against an Industrial/Retail/Offshore Council member or an Inshore Council member may be filed by other members of a particular council if it is believed that a violation of this Constitution, its Bylaws, or the Code of Conduct has taken place.
- (ii) The charge must be filed within 30 days of the alleged violation, which shall:
  - a. Be in writing;
  - b. Be signed; and
  - c. Specify the alleged violation of the Constitution, Bylaws, or Code of Conduct.
- (i) A member of the Inshore Council shall not file or support a charge against a member of the Industrial/Retail/Offshore Council. A member of the Industrial/Retail/Offshore Council shall not file or support a charge against a member of the Inshore Council.
- (ii) A charge against any member of both councils, with the exception of the President, Secretary-Treasurer, and both vice-presidents, shall be supported by no fewer than four (4) members of the relevant council.
- (iii) A charge against either the Vice President Inshore or Vice President Industrial/Retail/Offshore shall be supported by no fewer than ten (10) members of their respective councils.
- (iv) A charge against either the President or Secretary-Treasurer shall be supported by no fewer than fifteen (15) members of either the Inshore Council or the Industrial/Retail/Offshore Council. Supporters of a charge from both councils shall not be combined to sustain a charge against the President or Secretary-Treasurer.
- (v) The accused council member shall be notified within seven (7) days of the charge.

### Section 2 – Disciplinary Proceedings

- (i) Within sixty (60) days of the filing of the charge, the charge shall be heard at a meeting of the Executive Board of the Union. A charge not heard within the sixty (60) day period shall be dismissed and it shall not be revived.
- (ii) The accused shall be provided with no less than four (4) weeks notice of the date for this meeting.
- (iii) The Secretary-Treasurer shall preside over the meeting. If for any reason, with the exception of that set forth in Section 2(iv) of this Article, the Secretary-Treasurer cannot preside, he/she shall designate an alternate.
- (iv) If the Secretary-Treasurer is the subject of a charge, the Vice President Inshore and Vice President Industrial/Retail/Offshore shall co-chair



- (v) The President shall not attend the disciplinary component of the Executive Board meeting unless the President is charged.
- (vi) At the Executive Board meeting, the admissibility of the charge shall be considered and, if deemed admissible, the accusers and the accused shall be given the opportunity to fully present information and arguments concerning the charge.

### Section 3 – Disciplinary Decisions

- (i) The Executive Board shall deliberate on the charge immediately after arguments have closed. The accused and persons laying the charge shall be excluded from the meeting while the Executive Board deliberates a decision on the charge.
- (ii) In rendering judgment, the Executive Board may:
  - a. By a majority vote:
    - i. Dismiss the charge;
    - ii. Reprimand the Council member; or
    - iii. Suspend a Council member for not less than three (3) months and not more than one (1) year; or
  - b. By a two thirds vote, remove the Council member from the Council;
- (iii) If a Council member is found guilty of a charge and has, in the past three years:
  - a. Been found guilty of a charge; and
  - b. Was suspended by the Executive Board;

the Council member shall be removed from the Council.
- (iv) A Council member removed from a Council shall be prohibited from seeking election to any council or committee of the Union for a period of three (3) years.
- (v) A Council member removed from a Council for a second time shall receive a lifetime prohibition from seeking election to any council or committee of the Union.
- (iv) Within 30 days of a decision by the Executive Board, the disciplined council member may appeal the decision to the President of the FFAW-Unifor, who shall issue a decision on the appeal within 14 days.

## Article XV – Meetings and Convention

### Section 1 - Convention

- (i) The regular meeting of this Union shall be the Constitutional Convention of the Union.

### Section 2 – Frequency of Division Meeting

- (i) Offshore units in the Industrial/Retail/Offshore Division shall hold annual membership meetings.
- (ii) All non-offshore units in the Industrial/Retail/Offshore Division shall hold regular meetings at least once every three months during the operating season.
- (iii) In the Inshore Division, community fleet and regional meetings will be held as required, but not less than once a year.

### Section 3 – Industrial/Retail/Offshore Delegates

- (i) Each unit with average membership of at least twenty (20) members in the Industrial/Retail/Offshore Division shall be entitled to representation at the Constitutional Convention based on their average membership in the previous three-year period.
- (ii) The ratio of members to Constitutional Convention delegates shall be set as follows:

125 members or less	–	1 delegate
126-225 members	-	2 delegates
226-325 members	-	3 delegates
326-425 members	-	4 delegates
426-525 members	-	5 delegates
- (iii) For the purposes of this Section, average membership in each unit will be determined by dividing total union dues paid by that unit, divided by the minimum annual dues in effect.

### Section 4 – Inshore Delegates

- (i) The total number of inshore delegates shall be proportional to the Inshore Division's share of the total revenue from union dues.
- (ii) The inshore delegates shall be allocated among the four Inshore geographic regions represented on the Executive Board in the following manner:
  - a. 50% of all inshore delegates shall be divided equally between the four regions;
  - b. 50% of all inshore delegates shall be allocated in proportion to the amount of union dues paid in each region.

Section 5 – Priority in Selecting Delegates

- (i) Priority for credential from respective units to the Constitutional Convention shall be as follows:
  - a. Inshore Division
    - i. Inshore Council members; and
    - ii. Remaining Inshore credentials as per Section 5 of this Article shall be assigned to elected fleet, regional and local committee members, as determined by the Inshore Executive Board members in consultation with the President and Secretary-Treasurer and the Inshore Council members in their respective areas.
  - b. Onshore units of the Industrial/Retail/Offshore Division
    - i. Unit Chairperson
    - ii. Other unit executive members
    - iii. Shop stewards
  - c. Offshore units of the Industrial Retail/Offshore Division
    - i. Industrial/Retail/Offshore Council members from Offshore units
    - ii. Other elected representatives

Section 6 – Executive Board

- (i) Executive Board members shall be delegates at the Constitutional Convention.

Section 7 – Voting

- (i) Each delegate at the Constitutional Convention shall be entitled to one vote.

Section 8 – Attendance at National Conventions and Other Meetings

- (i) Representation at National Conventions and other conventions to which the Union is entitled to representation shall be determined by the Executive Board on the following priority list:
  - a. The President of the Union
  - b. The Secretary-Treasurer of the Union
  - c. The Presidents of the two Councils
  - d. The Executive Board shall assign any remaining delegates entitlement to the respect Councils for their determination.

## Article XVI - Collective Bargaining Agreements

### Section 1 – Act as Collective Bargaining Agent

By virtue of his or her membership in this Union, each member authorizes the Union to act as his or her exclusive collective bargaining agent.

### Section 2 – Coordinating Negotiations

The President of the Union shall coordinate the negotiation and administration of Union collective bargaining agreements.

### Section 3 – Process of Negotiation

All negotiated collective agreements must be either negotiated through the special arbitration provisions of the Fishing Industry Collective Bargaining Act or be put to a ratification vote of the membership in the unit or units covered by each collective agreement. Each member in good standing shall have one vote.

### Section 4 - Ratification

Collective agreements shall be considered ratified by a simple majority of votes cast.

### Section 5 – Secret Ballot to Authorize Strike

Strike action may be taken only after a secret ballot vote is conducted of the membership in the unit or units involved. Each member in good standing in such unit shall have one vote.

### Section 6 – Two-thirds Majority

A two-thirds majority of votes cast will be required to request strike authorization from the National President.

## Article XVII – Amendments

### Section 1 – Changes to the Constitution

- (i) The Constitution may be amended at the Constitutional Convention of the Union or special convention.
- (ii) Amendments shall be adopted by two-thirds majority of the delegates present and voting.

### Section 2 – Industrial/Retail/Offshore Authority

- (i) The Industrial/Retail/Offshore Council shall have the authority to amend Article IX, Section (iv) and (v). Such an amendment shall require a two-thirds majority vote of members attending the Industrial/Retail/Offshore Council meeting at which the amendment was proposed.

### Section 4 – Interim Amendments

- (i) If in the opinion of the Executive Board the best interests of the Union would be serviced by an amendment to the Constitution between Constitutional Conventions, the Executive Board can, by two-thirds majority of those voting, amend the Constitution.
- (ii) An Executive Board vote to amend the Constitution may be conducted by an in-person meeting of the Executive Board or by mail ballot. Any amendments approved under this provision shall remain in effect until the next Constitutional Convention, at which time they will lapse unless adopted by a two-thirds vote of delegates attending that Constitutional Convention.

### Section 5 – Parallel Documents

- (i) In the event that amendments to this Constitution and/or the Unifor National Constitution results in renumbering of Articles referred to in this Constitution, these references will be amended to reflect the renumbering.

### Section 6 – Amending the Bylaws

- (i) The Executive Board may, from time-to-time, amend the Bylaws to this Constitution by a two-thirds majority vote.
- (ii) Amendments to the Bylaws shall not require subsequent ratification at the Constitutional Convention.

## Article XVIII - Validity

### Section 1 - Severability

If any provision of this Constitution shall be held invalid, the remainder of the Constitution shall not be affected.

### Section 2 – No Force and Effect

Any provision of this Constitution which would operate so as to prevent or affect the coming into existence of this Union shall be deemed to be of no force and effect.