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NEW UNION CONSTITUTION HIGHLIGHTS

INTRODUCTION – WHAT’S A UNION CONSTITUTION?

The new union’s Constitution serves a number of important purposes:

- It is a document which satisfies the legal requirement to establish a union, an organization which represents and bargains collectively for our members.
- It is a declaration of the rights of members in both collective and individual terms.
- It is a set of enforceable rules that spell out how the union is governed and guarantees transparency and accountability in decision making and financial affairs.
- It is a brief description of the union’s structures as well as the democratic principles and practices that govern them.
- It is a statement of the goals the union aspires to and commits the union to reach for objectives which may seem beyond its grasp.

APPROACH TO THE CONSTITUTION

The Constitution Working Group had two main tasks. The first task was to draft into the articles of the constitution the commitments expressed in the Proposal committee document endorsed by the 2012 CEP and CAW conventions. The second task was to consider all those other constitutional issues and matters that were not explicitly mandated by the Proposal Committee Report, but which need to be considered in a new constitution.

The Constitution Working Group reviewed all the articles in both the CAW and the CEP Constitutions using the following perspective.

- Do we still need this provision?
- Is there one approach that does it better than the other?
- Do we need new provisions?
- How do we draft the articles in as clear and straightforward way as possible?
- How do we recognize that while changes are necessary in the new union they have to be done in a fair and workable manner?

WHAT'S THE RESULT? A LOOK AT THE UNION THROUGH DIFFERENT LENSES

MEMBERSHIP LENS

The union belongs to its members. The Constitution expresses that commitment and its various articles are drafted to provide substance to that undertaking. Members control the union through their participation in both the direct and representative democratic processes of the union. The rights of the members and the commitment to open and accountable systems are the foundation of the Constitution. The union's objectives, as expressed in the Constitution, are to protect and advance the interests of our members. Members are assured that our structures are secure, democratic practices are enshrined, elections are fair, responsibilities and authority is spelled out and that due process is guaranteed.

RANK AND FILE LENS

In all the new union structures – National Executive Board, the Canadian Council, Regional and Quebec Councils, Industry Councils, Retired Workers Council, Skilled Trades Council – democratic control is exercised by delegates elected by the membership in Local Unions and through rank and file leadership. In any executive committee that includes National Officers and/or Regional Directors, the majority of votes are always held by the rank and file leadership. Also, the Union's structures bring elected delegates together on a regular basis. In addition the Constitution provides for voting based on Local Union membership numbers.

REGIONAL LENS

The new Union is building a strong regional base. The four Regional and the Quebec Councils bring together Local Unions in the particular region. These Regional Councils, which will involve over 1500 delegates from across the country, will meet at least once a year and determine the direction of the union in the region. The work of these Councils is supported by a per capita dues assessment. In addition, there are three elected Regional Directors with responsibility to build the Union in the regions. The national character of Quebec is recognized and supported through a National Officer (Quebec Director) and the Quebec Council.

STRONG NATIONAL UNION LENS

The composition of the National Executive Board weaves together regions, economic sectors, local union and membership groups into a united organization. The Board represents the Union overall and has clear authority between Conventions.

There is a strong leadership team of National Officers and Regional Directors who speak for the Union as a whole. In addition, the Canadian Council chaired and convened by the President of the Union brings together Local Unions, regions, industries, and groups of members from all over the country. It unites the entire Union around policies and actions that have been endorsed by elected delegates.

GENDER AND EQUITY LENS

The Constitution includes a number of provisions that deal with gender and equity participation in the new union's structures. Some articles provide for specific representation such as the language regarding National Executive Board where the provision for gender balance guarantees that the number of women on the Board is at least equal to the proportion of women among our membership. In a similar vein is the provision which provides for a designated position on the Board for a representative of racialized and aboriginal workers.

In other articles of the Constitution the commitment is more general but no less obligated. It requires that by the By-Laws of Local Unions and the executive composition of various structures

within the union “shall reflect the gender and equity principles of the Union”.

There are also provisions in delegate based structures for participation and engagement. The Regional and Quebec Councils will have Standing Committees for women, LGBT, Youth and Racialized and Aboriginal workers (name to be changed by participants at first conference). Representatives to these Standing Committees are selected in peer elections. The executives of the Regional and Quebec Standing Committees have automatic delegate status to the Canadian Council and its Standing Committees. And representatives from Canadian Council Standing Committees have delegate status at Convention.

In addition there are special gender and equity delegate positions available for Local Unions to increase their delegate entitlement to Canadian Council and to increase the participation of women and equity group members.

STRONG LOCAL UNIONS

Many of the structures in the new union are brand new or significantly different than structures in the CAW and CEP but the foundation remains strong Local Unions with a growing base in their communities. The provisions of the Constitution support Local Union independence and highlight the need for greater cooperation among Locals and the integration of all levels of the Union.

A WORD ABOUT THE MERGER OF THE CAW AND CEP WITH THE NEW UNION

The new union’s Constitution establishes the framework for a new organization. The merger of CAW and CEP with the new union will give it the strength, dynamism and spirit of our combined membership. A draft Merger Agreement for the CAW and CEP respectively and the new Union has been prepared. It is almost identical for each of the CAW and CEP.

The Merger Agreement(s) will:

- Provide for the merger of the CAW and CEP respectively with the new union.
- Continue current CAW and CEP Local Union and subordinate bodies as Local Unions and subordinate bodies of the new union with the same Officers to serve the term of office for which they were elected.
- Insure CAW and CEP Local Unions and subordinate bodies continue to hold their assets, funds and other property, as Local Unions and subordinate bodies of the new union.
- Transfer the assets, funds and other property of the CAW and CEP National Unions to the new Union (National Union).
- Cause the bargaining rights of the CAW or CEP National Union and/or CAW or CEP Local Unions to be transferred and continued with the new National Union and/or the continued New Union Local Unions in the same configuration as before the anticipated merger.
- Reaffirm the new union Constitution as the Constitution of the “merged” Union.

This is a historic moment for our unions and the Canadian trade union movement.

Let’s work together to seize this opportunity to build a new union and enhance the lives of our members, and their families, and improve the communities in which they live and work.

NEW UNION CONSTITUTION HIGHLIGHTS

MEMBERSHIP

The New Union Constitution spells out that members will have rights and responsibilities.

Members are entitled to share equally in governing the Union. Subject to the distinctions and rules set out in this Constitution each member in good standing has the right to run for office, to nominate and vote in free and fair elections.

Members have the right to fully participate in the democratic debate and decisions of the appropriate body or structure of which they are a member or a delegate. All members have right to free speech including the right to criticize the policies or governance of the Union.

Members have the right to participate in the Union free of harassment and the National Union shall have an effective anti-harassment policy.

Members have the right to fair and reasonable consideration of their individual interests and concerns when collective decisions are made. Members have the right to a review of any decision which they believe adversely affected them, as set out in this Constitution.

Members shall uphold the democratic decisions and rules of the Union, pay dues and fulfill obligations in this Constitution, and respect the provisions of their freely negotiated collective agreements.

Members shall support the solidarity of the Union and the collective actions of the Union in collective bargaining, and in its efforts to protect the jobs of members.

Any member who is elected or appointed to represent other members or participate in the administration or governance of the Union shall defend the Constitution and organizational integrity of the Union.

Categories of Union Membership

- Members in Bargaining Units
- Members in Retired Workers Chapters
- Members in Community Chapters (a Local Union will have the discretion to establish a Community Chapter in which members outside of established bargaining units (ie. contract, freelance, temporary unemployed workers) may become active). The Community Chapter will be based upon and adhere to the principle of collective action. Members will pay dues of a nominal amount.

PRINCIPLES AND OBJECTIVES OF THE UNION

Democratic, United, Open and Inclusive, Solidarity, Accountability and Transparency, Effective, Dynamic, Militant, Progressive, Gender and Equity, Generational Renewal, Leadership

A principle objective of the New Union remains: the conduct of collective bargaining to enhance the working conditions and lives of members, their families and communities.

Gender and Equity:

The union is fully committed to equity and inclusion. Women, racialized and aboriginal workers, Lesbian, Gay, Bisexual and Transgendered workers, young workers and other equity seeking groups, will be represented in the structures of the Union at all levels. In certain articles the Constitution provides specific provisions which detail how women and equity groups participate in the leadership structures of the Union. Elsewhere the commitment is expressed as a more general one. Where the commitment is a general one it requires those with the necessary authority and responsibility to address the issue. When By-Laws of all bodies in the Union are submitted to the National Executive Board for approval they will be viewed through this gender and equity lens.

■ CODE OF ETHICS

The affairs of the Union shall not be conducted in any manner which results in personal profit or advantage to any Officer, member of an Executive Board, bargaining committee or representative of the Union, whether elected or appointed.

The financial practices of the Union shall at all times meet the highest available standard of accounting, investment, procurement and reporting. It is the responsibility of the Secretary Treasurer and the National Executive Board to ensure that all Local Unions, subordinate bodies and representatives of the Union are informed of these standards and have opportunities for appropriate training.

■ CONVENTION

Delegate ratio of 1 per 250 members, including 1 delegate for each bargaining unit of 250 or more within an Amalgamated Local.

Delegates also include Retired Workers Executive, Executives of Canadian Council Standing Committees for Women, Youth, LGBT and Racialized and Aboriginal Workers. Staff have voice and no vote.

Expected attendance at convention: 2000 persons.

Any member in good standing may attend Convention as an observer.

All elections by secret ballot per capita votes.

■ NATIONAL EXECUTIVE BOARD

25 members to be elected at the Founding Convention. Three (3) National Officers elected for 3 year term. Three (3) Regional Directors for three year term. All other elections for a limited term until Regional and Industrial Councils are formed and hold new elections.

The Proposals of the New Union Proposal Committee report with respect to the composition of the NEB, including gender balance and regional balance requirements, are set out in the Constitution.

The authority of the NEB, the President, Secretary Treasurer, Quebec Director, and Regional Directors are set out in the Constitution.

Procedures of the NEB are set out. A record of decisions and actions of the Board shall be provided to all Local Unions and subordinate bodies in a timely way.

■ CANADIAN COUNCIL

The Executive of the Canadian Council shall include the National Officers, the elected Chairpersons of the Regional Councils and Quebec Council, and other members as determined by Canadian Council By-Laws. The composition of the Executive shall reflect the gender and equity principles of the Union.

There will be no levy upon Local Unions or subordinate bodies for the Canadian Council.

Expenses of the Canadian Council, excluding costs for Local Union, Regional Council and Industrial Council delegates, shall be approved by the National Executive Board and borne by the National Union.

Delegate Entitlements

- One to 6 delegates per Local according to size and bargaining units;
- Local Unions may apply to the Secretary Treasurer to send one additional delegate who shall be a woman or from an equity seeking group;
- Local Union delegates to carry per capita voting strength;
- Delegates with voice and one vote each: Chairperson, 4 Executive Members of the Quebec Council and Regional Councils; 3 members of each named Standing Committee of Regional and Quebec Councils; Executive Members of Industrial Councils; Members of the NEB; Members of the Executive of the National Retired Workers Council.

Expected attendance at Canadian Council: 1,300 persons

The Canadian Council shall establish standing committees with respect to Women, Organizing, Racialized and Aboriginal Workers, Youth, Lesbian, Gay, Bisexual and Transgender issues (LGBT), Health and Safety and Environment (HSE), Political Action and other Committees as determined by the Executive of the Council. Peer elections for equity committees.

■ REGIONAL COUNCILS AND QUEBEC COUNCILS

Delegate ratio same as for Convention, however, Regional and the Quebec Councils may change the Local Union regular delegate entitlement formula to increase participation.

Each Regional Council and the Quebec Council will establish standing committees with respect to Women, Organizing, Racialized and Aboriginal Workers, Youth, Lesbian, Gay, Bisexual and Transgender Workers (LGBT), Health, Safety and the Environment (HSE), Political Action, and other committees as determined by the Executive of the Council.

■ INDUSTRY COUNCILS

The National Executive Board shall convene the first meeting of an Industry Council with at least two months' notice to all Local Unions or bargaining units who have members employed in the economic sector represented by the Council.

The Industry Council shall be financed by a per capita levy on the membership of the Local Unions, or components thereof, employed in that sector. The amount of the per capita levy shall be decided by the Industry Council.

The Industry Council shall meet at least one a year and will be encouraged to coordinate such meetings with the meetings of the Canadian Council.

■ NATIONAL RETIRED WORKERS COUNCIL

Definition of Retired Worker: A retired worker is a member of a Local Union who has severed his/her employment relationship with a particular employer in the expectation of receiving a pension or retirement income. Current Retired Workers Chapters will continue. Twenty five or more retired workers may apply to establish a Chapter. In the case of CEP Locals the retired workers must have retirement dates after September 1, 2013. Area Councils of Retired Workers may be established. A National Council of Retired Workers is established, and will be based on delegate representation. It will elect a Chairperson who sits on the NEB.

Other special transitional provisions are established for CEP Locals.

■ NATIONAL SKILLED TRADES COUNCIL

A skilled trades member is a member who has completed an apprenticeable trade and is working in a skilled trades classification or has otherwise satisfied the requirements to receive a union journeyman card.

A Local Union or bargaining unit may apply to join the Skilled Trades program.

Annual dues of one half hour of regular wages are payable once a year by skilled trades members to the National and Area Skilled Trades Council.

A Local Union or bargaining unit who participate in the Skilled Trades program may apply to the President for a separate ratification procedure as is set out in the Constitution with respect to a defined group with distinct interests.

An Area and National Council structure based on democratic and delegate based principles is established. The Chairperson of the National Council is a member of the NEB.

■ LOCAL UNIONS

Each Local Union will have at least four Executive Officers, of whom three shall be: President, Vice President, and Secretary Treasurer.

In addition, the Local Union Executive Officers of the Local Union shall be three years, unless the Local Union's By-Laws as at the time of the Founding Convention provide for a lesser period.

A Local Union will establish the following Standing Committees:

- Community Services
- Constitution and By-Laws
- Education
- Environment
- Health and Safety
- Human Rights
- Recreation
- Union in Politics
- Women
- Young workers

All Committeepersons, Stewards and other workplace representatives shall serve terms of the same duration as their Local Union Executive Officers. In the case of newly organized workplaces, however, the first term of office will be for two years.

■ LOCAL UNION ASSETS

The assets, funds and other property of a Local Union are the exclusive property of the Local Union.

Membership in a Local Union does not and shall not vest in any members, any right, title, or interest in the assets, funds or other property of the Local Union or National Union.

When the assets, funds or other property of a Local Union become significantly disproportionate to the number of its members, as a result of layoffs, partial or full workplace closures, or other reasons, the National Executive Board shall ensure that the remaining assets, funds or other property of the Local Union are used to carry out the objectives of the Local Union, including, specifically, the representation of Local Union members, former members and retirees individually and collectively, with respect to their employment and/or post-employment interests.

■ SUPERVISION

The National Executive Board on its own motion or at the request of a Local Union or subordinate body may supervise, reorganize or disband a Local Union or other subordinate body, in the whole or in part, suspend their Officers or take back their Charter notably under these conditions: to prevent or correct corruption; to fulfill the union's duties under a collective agreement or as a bargaining agent; to restore democracy; to make sure the legitimate goals of the Union are carried out; to protect the rights or well-being of members.

■ COMMUNITY CHAPTERS

By-Laws establishing a Community Chapter shall express the objective of the Community Chapter and define the membership to be included in the Local Union through the Community Chapter. The By-Laws shall also specify:

- The right of members in Community Chapters to participate in the activities of the Local Union.
- The rights and limits of members in Community Chapters to voice and/or vote in Union affairs and structures.
- The services the Local Union expects to provide members in Community Chapters.

The Local Union shall submit its amended By-Laws to the National Executive Board for approval.

■ DUES

As is set out in the Proposal Committee Report, and as was approved by the CAW and CEP 2012 Conventions, National Union dues will be fixed at 0.735% of regular wages with respect to regularly scheduled hours. Regular wages do not include overtime, shift, Saturday, Sunday and/or holiday premiums, WSIB or WCB benefits, termination or severance pay or pension and/or parental or maternity benefits.

Local Unions may fix their own dues requirement; however, the minimum level of Local Union dues to be assessed is that level which is payable as of the date of the Founding Convention.

National Union dues shall be submitted to the National Union by the last day of the month following collection. Each Local Union or subordinate body shall also deliver, at the same time, a complete dues list including the names of the persons who paid their dues, and the relevant rate of pay, hours worked and any other information requested by the Secretary Treasurer.

A Local Union which has not remitted National dues to the National Union and which is 60 days or more in arrears shall be suspended from participation in National Union events and programs. A

penalty of 5% of the dues owing, plus 1% per month for each additional month of arrears, shall be applied. The national Secretary Treasurer may grant an exemption to these penalties, and shall report this exemption to the National Executive Board.

■ COLLECTIVE BARGAINING

All collective bargaining shall be supervised and coordinated by the President. The Secretary Treasurer, Quebec Director, Regional Directors, Assistants to the National officers, Department Directors and a Staff Representative shall act as assigned by the President to assist Bargaining Committees and ensure that the bargaining policies and strategies adopted by the National Union are implemented.

- Predecessor CEP provisions for group bargaining and delay of ratification.
- Predecessor CAW provisions for Corporation Councils and separate ratification.
- Strike authorization requires legal strike vote. Strike policy requires strong strike vote and/or strategic considerations.
- Strike and Defence Fund governed by new NEB policy.

■ CONSTITUTIONAL MATTERS (CHARGES AND APPEALS)

Office of the President – Committee on Constitutional Affairs will serve as a plenary hearing body. There will be a Procedure Policy of NEB, which will establish rules of natural justice with respect to the conduct of hearings and appeals.

The Public Review Board will be continued and renewed with new terms of reference.

■ REVIEWS OF DECISION

A member has the right to request a Review of Decision by a deciding authority arising from any action or decision which they believe did not have fair and reasonable consideration or lacks a rational basis, and which results in an injury or penalty to them.

■ CHARGES

A member, group of members, Local Union or subordinate body may file a charge if they have reasonable cause to believe that another member has violated the procedures and responsibilities established by the Constitution, or the Code of Ethics which forms part of the Constitution.

Any act of personal conduct which constitutes harassment as defined by the National Union 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 the Article regarding charges.

An initial reference will be made to the Local Union but not Local Union Disciplinary Committees.

Appeals may be made with respect to the disposition of charges to the Committee of National Executive Board, and to the Public Review Board.

Special provisions for charges against a member of the National Executive Board.

■ AFFILIATIONS

New Union will be affiliated to CLC. A process regarding withdrawal of support has been set out.

The issue of the affiliation of all Local Unions to Federations of Labour and Labour Councils has been referred to Regional Councils, Quebec Councils, and Canadian Councils.

■ AMENDMENTS TO THE CONSTITUTION

By two thirds majority at Convention, or by Canadian Council if the Strike and Defence Fund is depleted.

Please note: Many of the provisions of the New Union Constitution faithfully reflect the directions of the Proposal Committee's final report adopted by the CAW and CEP Conventions respectively with respect to New Union structure, governance and membership participation. The final report is reproduced at www.newunionproject.ca (click on Proposal Committee and follow the link). Please consult the Final Report for supplementary information.

WHAT'S NEW FOR WHO?

NEW FOR CAW

Group bargaining and delay of ratification

Elected Regional Directors

Quarterly audits

Percentage based dues

Amending formula at 2/3



NEW FOR CEP

Separate ratification

Public Review Board

Review of decisions

Skilled Trades program

New local union provisions for workplace reps

New local union committees

Retired worker chapters



NEW FOR BOTH

New process for affiliation to Federations and Labour Councils

New process and policy for charges and appeals

New code of ethics with strong conflict of interest provisions

New Strike and Defence Fund policy

New Industry Councils with representation on NEB

Peer elected women, youth, LGBT and racialized workers in Regions and at Canadian Council

New Regional Councils with elected leadership and strong mandate

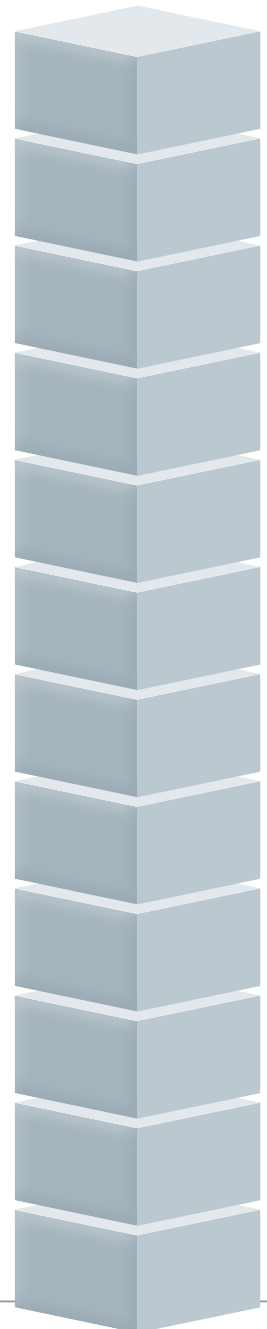
New Canadian Council with delegates from locals, regions and industries

New delegate structure and composition of Convention

Gender Equity provisions for NEB

New members in Community Chapters

New membership provisions including rights and responsibilities of members



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