

# **CONSTITUTION & BYLAWS**

**Communications Workers of America |  
Syndicat des communications d'Amérique  
Canada  
(CWA|SCA Canada)**

**ADOPTED MARCH 30, 1996  
AMENDED APRIL 2023**

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**ARTICLE 1 – NAME**

1. The Communications Workers of America | Syndicat des communications d'Amérique Canada (CWA|SCA Canada), is a national Canadian trade union with members and Locals across the country.

**ARTICLE 2 – PURPOSES**

1. CWA|SCA Canada shall organize, represent and advocate for workers who wish to belong to a trade union.
2. There are no restrictions on the occupations of members or the industries which may be represented within CWA|SCA Canada, but it began as a media union and continues to have a special link with media employers and those in the communications sector. Groups within the union may use an additional name, linked to CWA|SCA Canada, which more closely identifies them with their particular industry and/or has historical significance. For example, Locals in the media group may continue to use the name of The Newspaper Guild in their Local name, with the addition of CWA|SCA Canada (i.e. The Ottawa Newspaper Guild, CWA|SCA Canada).
3. CWA|SCA Canada and member Locals shall strive to promote the interests and well-being of members, improve their working conditions and defend their collective agreements. This shall be done through aid provided by the national office including servicing by staff representatives, effective communication, education, CWA|SCA Canada's legal assistance program, and the mobilization of members.
4. CWA|SCA Canada shall promote the interests of organized labour nationally and internationally. It shall work for a society in which all people, regardless of nationality, religion, ethnic origin, sexual orientation or disability, shall have a right to fair employment, fair wages and a workplace free of discrimination or harassment in any form.

5. CWA|SCA shall organize non-union workers within the Canadian labour force and welcome organized workers who seek to join CWA|SCA Canada and its member Locals, as long as they do so in a way that conforms to provincial or federal labour laws.

### **ARTICLE 3 – GOVERNANCE**

1. CWA|SCA Canada shall be governed by this Constitution and Bylaws, and the Constitution of the Communications Workers of America. CWA|SCA shall abide by CWA policies adopted in International Convention, the *Memorandum of Understanding Regarding CWA Operations in Canada*, the 1997 merger agreement concerning the Print Sector Locals, and the two documents adopted by membership referendum in 1995, namely the *Agreement for Affiliation and Merger between the CWA and TNG* and *A Proposal for Structuring TNG Canada*.
2. The supreme decision-making body of CWA|SCA Canada shall be the National Representative Council, herein known as the NRC, composed of delegates elected by member Locals. Between meetings of the council, CWA|SCA Canada shall be governed by the National Executive and the President of CWA|SCA Canada, through the authority granted by the NRC and this Constitution and Bylaws.
3. Under the CWA Constitution revised in 2008, the Canadian Region of the CWA was created. Known as CWA|SCA Canada, the region consists of all CWA Locals in Canada and operates with full administrative, operational and financial authority and autonomy for the Locals and members in Canada.

### **ARTICLE 4 – MEMBERSHIP**

1. Different categories of membership may be offered by Locals within CWA|SCA Canada or by CWA|SCA Canada itself, including Full Membership, Associate Membership, Retired Membership and Honorary Membership. Applicants for membership in CWA|SCA Canada shall furnish such information as CWA|SCA Canada and/or the Locals require.

2. All Locals shall ensure that every employee working under their jurisdiction is asked to sign a membership card to become a member of the Local and CWA|SCA Canada.
3. Each full member shall receive from his or her Local a standard membership card which shall verify membership in the Local and CWA|SCA Canada. Only members who pay dues as outlined in Local bylaws and in accordance with CWA and CWA Canada dues policy shall have all rights of membership and shall be eligible for election to any office and to vote in any election in accordance with the CWA Constitution, and this Constitution and Bylaws, and, when applicable, the TNG/CWA Constitution.
4. No member not in good standing shall be permitted to vote, offer or second a motion, nominate for office, hold office, or be a candidate for office.
5. A member shall belong directly to CWA|SCA Canada or to a Local designated by CWA|SCA Canada.
6. Each member shall advise his or her Local, and the Local shall advise CWA|SCA Canada, on forms provided for the purpose, of his or her home address and any change in home address.
7. Associate and retired members shall be entitled to an appropriate card issued by CWA|SCA Canada and shall have the right to attend and to speak at meetings but shall not have the right to make or second motions, to vote, or to hold office, except in the conduct of activities of associate or retired units.
8. Associate members shall belong directly to CWA|SCA Canada or to a Local designated by CWA|SCA Canada. They may be formed into associate units of a Local or of CWA|SCA Canada.
9. The Canadian Freelance Guild (CFG) shall be affiliated with CWA|SCA Canada in the same way as Locals except that all members in good standing of the CFG shall be considered Associate Members of CWA|SCA Canada and the amount of per caps remitted shall be set by mutual agreement. The president of the CFG shall have the right to attend and participate in CWA|SCA Canada Representative Council meetings but shall carry no voting strength.
10. Retired members shall be permitted to join the CWA Canada Retirees Council or their Local's retiree chapter.

**ARTICLE 5 – LOCALS (GENERAL)**

1. Locals shall be established by charter granted by the CWA on the effective recommendation of the President of CWA|SCA Canada, acting on the approval of the Executive.
2. Locals shall be responsible for enforcing provisions of this Constitution and Bylaws and the CWA Constitution and, if relevant, the Constitution of TNG/CWA.
3. No Local shall adopt any bylaws that conflict with this Constitution and Bylaws or the Constitution and policies of CWA and, if applicable, TNG/CWA.
4. Every Local shall submit to CWA|SCA Canada a copy of its bylaws and any amendments as adopted.
5. Given the importance of membership mobilization and communication, Locals shall keep an up-to-date list of member contact information, including address and, where possible, phone number and personal (non-work) email address. This information shall be provided to CWA|SCA Canada annually, or upon request.
6. Locals shall hold general membership meetings at least twice a year and at no time shall there be a lapse of more than six months between meetings.
7. Exceptions to this rule may be made in Locals of 3,500 members or more or Locals which have units separated by 65 kilometres or more. They shall be required to have both an Executive Committee and a Representative Assembly. The bylaws of such Locals shall further provide adequate referenda procedures.

**ARTICLE 6 – LOCAL ELECTIONS**

1. Locals shall have the option of electing officers annually, biennially or triennially, as directed by the members through referendum. At a minimum, the officers shall include a president, a vice-president, a secretary-treasurer or secretary and treasurer. No member shall be permitted to hold more than one such office.
2. Elections shall be by secret ballot.
3. At least 15 days' notice of election of officers and members of an Executive Committee shall be sent to each eligible member, including elections to fill vacancies.
4. Local delegates to the TNG/CWA Sector Conference and CWA Convention shall

be elected by a vote of the members of their Local.

5. Local delegates to all bodies other than the TNG/CWA Sector Conference and CWA Convention shall be elected by the Local membership or elected or appointed by such other body of the Local as the membership may decide.
6. A member who wishes to protest the conduct of any election held by his or her Local may submit the protest in accordance with the procedures set out in the CWA Constitution.

## **ARTICLE 7 – LOCAL FINANCES**

1. All Locals shall have procedures in place to dispense funds in accordance with their Bylaws, this Constitution and Bylaws, the CWA Constitution, and any relevant federal and provincial labour laws.
2. Local funds shall be used only for legitimate operating expenses, such as:
  - Strike-related costs
  - Education or training for members
  - Purchasing for members group life, accident, health, hospital, medical and surgical, unemployment and retirement benefit insurance, singly or in any combination
  - Assisting labour and other organizations and the labour movement
  - Charitable donations
  - Hardship
  - Activity within the purposes of CWA\SCA Canada, including fraternal and social activity.
3. Local funds shall only be used to provide loans in exceptional circumstances and with the approval of the Local executive committee and the CWA Canada Executive Committee.
4. Local funds shall not be used to provide cash payments to members, other than for authorized expenses or services, without the approval of the Local executive committee and the CWA Canada Executive Committee.
5. Each Local shall establish a Local Organizing Fund into which it shall deposit \$1 per member per month or, alternately, it may elect to remit \$1 per member per month to the National Office of CWA Canada, which shall use the money solely for organizing or related activities. The assets of the Local Organizing Fund also shall be used solely for organizing and related activities. Each Local shall also

ensure that its budget makes provision for activities related to the mobilization of members, including social functions.

6. Each Local shall keep its financial records in accordance with procedures and on forms supplied by or satisfactory to CWA|SCA Canada. Each Local of more than 100 members shall cause an audit or financial review of all its books, records, and funds to be made annually for its fiscal year by an independent professional accountant designated by the Local or its governing body. Locals of 100 or fewer members must file annual financial statements signed by the Local Treasurer and at least three Local members. Audits or annual financial statements shall be prepared and submitted according to procedures and on forms supplied by or satisfactory to CWA|SCA Canada. They shall be available to the membership of the Local and a copy shall be sent to CWA|SCA Canada within 30 days of completion.
7. In the event that a copy of the annual audit or statement is not submitted within 180 days from the close of a Local's fiscal year, the CWA|SCA Canada Treasurer may cause an audit or statement to be completed, the expense of which shall be borne by the Local. Or, alternately, the President of CWA|SCA Canada may take such action as deemed necessary to ensure a Local complies with this provision.
8. All Local officers and employees authorized to sign cheques upon Local funds or handling Local monies shall be bonded in amounts and in a manner designated by the Local or its governing body. All cheques issued by a Local shall require at least two signatures.
9. In the event that a Local's charter is revoked, suspended, or that the Local disbands, the charter and all books and property shall be delivered to CWA|SCA Canada within 10 days of a request being made.

## **ARTICLE 8 – LOCAL COLLECTIVE BARGAINING**

1. Each Local shall ensure that each of its members is provided with a copy of the current collective bargaining agreement applicable to the member, a copy of the Local's bylaws and shall make available to each member, on request, a copy of this Constitution and Bylaws, the TNG/CWA Constitution, and the CWA Constitution.
2. Locals shall submit collective bargaining proposals or statement of interests to the President of CWA|SCA Canada at least 15 days in advance of submission to the employer, and shall require the approval of the President in advance of submission to the employer, to ensure they are not in conflict with this



Constitution and Bylaws, the CWA Constitution or the union's collective bargaining policy. The President shall promptly advise a Local when such proposals are in conflict with this Constitution and Bylaws, the CWA Constitution or the union's collective bargaining policy. When advised of such conflict, a Local shall make such changes in the terms of its contract proposals or statement of interests as may be recommended by the President.

3. The final draft of a contract or the terms of a proposed contract settlement shall be submitted to the President of CWA|SCA Canada for approval before submission for ratification.
4. No agreement shall be ratified without a secret-ballot vote of the bargaining unit members.
5. Upon ratification, a final copy of the signed collective agreement shall be sent to the office of CWA|SCA Canada.

#### **ARTICLE 9 – STRIKE AUTHORIZATION**

1. In order for strike authorization:
  - a. A Local must hold a secret-ballot strike-authorization vote among members of the bargaining unit (as far in advance of a potential strike date as possible.)
  - b. The Local president or his/her designate must fill out the CWA strike authorization form and submit it to the President of CWA|SCA Canada.
  - c. The President of CWA|SCA Canada, if they approve the request, shall forward it to the CWA President who submits it to the CWA Executive Board, which approves the request based on the “effective recommendation” of the President of CWA|SCA Canada (as per the 2006 Memorandum of Understanding Regarding CWA Operations in Canada.)
  - d. The CWA President must officially set a date for when a strike can begin. No strike can begin until that date.

#### **ARTICLE 10 – STRIKE/LOCKOUT PAY**

1. Compensation to striking or locked-out workers or victims of collective bargaining strategies from all union or strike/lockout-related sources, including the Members

Relief Fund, donations or hardship, shall not exceed that member's regular weekly wage rate after tax deductions. In order to determine the regular weekly wage for members who are classified as other than regular full-time employees, the union will look at the average basic weekly rate earned by the affected member in the 12 months preceding the strike or lockout. For members with less than 12 months of service, the calculation will be based on the average hours worked per week since their date of hire. The intent of this article is to ensure that "take-home" compensation during a labour dispute does not exceed regular take-home pay.

#### **ARTICLE 11 – NATIONAL REPRESENTATIVE COUNCIL: AUTHORITY**

1. The President of CWA|SCA Canada, herein known as the President, shall direct the operations of the union under the authority of the NRC.
2. The NRC shall be responsible and accountable for the financial affairs of CWA|SCA Canada. The NRC shall administer funds collected from all sources of income and set an annual budget of income and expenditures for CWA|SCA Canada.
3. The NRC may decide if any of its officers are to receive remuneration or honoraria and determine the amounts of any such payments.
4. The NRC shall pay the transportation, accommodation and meal expenses for all table officers and the TNG/CWA Canadian vice-president to attend NRC meetings.

#### **ARTICLE 12 – NATIONAL REPRESENTATIVE COUNCIL: DELEGATES**

1. The NRC shall consist of delegates from Locals in good standing. Any Local 90 days or more behind in its per capita, thirty (30) days prior to an NRC meeting, shall not be deemed to be in good standing. However, should a Local pay all owed per capita anytime prior to the NRC meeting, good standing status shall be awarded. In addition, the NRC shall include the President and Vice-President of CWA|SCA Canada.
2. Delegates to the NRC shall be elected every two years. Each Local shall elect its delegates by executive or representative assembly or by membership secret ballot. Election of such delegates shall be certified by the Secretary of each Local to the Secretary of the NRC. In the event of a vacancy among the delegates, a replacement delegate may be elected by executive or representative assembly or

by membership secret ballot in the affected Local.

3. Each Local shall be entitled to representation on the NRC according to the following formula:
  - Locals with less than 50 members, one delegate;
  - 50 to 199 members, two delegates;
  - 200-399 members, three delegates;
  - and one additional delegate for each 400 members or major fraction thereof.
4. There shall be no voting by proxy, except that a Local composed of less than 50 members may assign its vote to a delegate from another Local attending a meeting of the National Representative Council. No Local shall be allowed to vote more than one such assignment.
5. The first order of business at NRC meetings shall be the adoption of the Agenda.

#### **ARTICLE 13 – NATIONAL REPRESENTATIVE COUNCIL: MEETINGS**

1. Meetings of the NRC shall take place at least once annually.
2. Delegates shall endeavour to select the place of the next NRC meeting before the conclusion of NRC business. When circumstances require, the place of the next meeting may be decided by a polled majority of CWA|SCA Canada Local Presidents.
3. Small Locals, consisting of 150 or fewer members, may receive financial subsidies from CWA|SCA Canada to help cover the cost of sending delegates to meetings. Such subsidies are intended to ease the burden of small locals with limited financial resources or reserves. Requests for subsidies shall be submitted in writing to the Executive Committee at least six weeks in advance of a meeting. The Executive shall determine subsidies at least three weeks in advance of the meeting.
4. Notwithstanding the previous articles, a special meeting of the NRC may be called at the request of one third of Locals or, in exceptional circumstances, by the NRC's Executive Committee. The Executive Committee shall only call such meetings if an urgent situation arises which, it is determined, can be dealt with effectively solely by a meeting of the NRC. The Executive Committee shall fix the time and location for any special meeting. Such meetings may be held by telephone or video conference.

5. Any Local may submit agenda items for consideration by the NRC. Agenda items must be submitted at least two weeks in advance of the annual meeting and circulated to all Locals.
6. The President shall present a written report on CWA|SCA Canada operations.
7. Roberts Rules of Order shall be the authority of all procedural questions not covered by the CWA Constitution or this Constitution and Bylaws.
8. Council meetings, whenever possible, shall be hosted by affiliated Locals in rotation.
9. Delegates from one third of Locals representing the majority of the membership in good standing in CWA|SCA Canada shall constitute a quorum for NRC meetings.
10. When a vote is called for, decisions shall require the support of a majority of delegates present, representing a majority of CWA|SCA Canada members in good standing. Each Local's voting strength shall be equal to their delegate allowance as per Article 13.3.

#### **ARTICLE 14 – THE EXECUTIVE COMMITTEE AND ITS OFFICERS**

1. The Executive Committee shall oversee the affairs of CWA|SCA Canada.
2. It shall allocate financial resources as needed to ensure Locals and members are served.
3. It may draft policies regarding the work of staff and volunteers and dealing with such issues as hiring, performance and discipline, among others, for approval by the NRC.
4. To carry out its work, the Executive Committee shall meet at least twice a year in person, and by telephone conference calls as needed.
5. The members of the CWA|SCA Canada Executive Committee are the President, Vice-President, Secretary, Treasurer, six Officers-at-large, and one officer from an equity-seeking group. At least one Officer-at-large shall come from former Print Sector Locals, three shall come from the Canadian Media Guild (CWA Canada Local 30213), and two from remaining Locals.

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6. The following members of the Executive Committee are its table officers: the President, Vice-President, Treasurer, and Secretary. If necessary, the table officers shall also form a Management Committee of the Executive.
7. The President is the senior Executive Officer of CWA|SCA Canada whose responsibilities include:
  - Presiding as chairperson over all meetings of the NRC;
  - Supervising the work of officers and staff;
  - Co-ordinating collective bargaining efforts and strategic action;
  - Researching and making presentations to groups on issues that affect the members;
  - Identifying and pursuing organizing projects;
  - Conducting member and leadership education and training;
  - Keeping Local officers aware of CWA|SCA Canada operations;
  - Overseeing CWA|SCA Canada's legal assistance program;
  - Assisting Locals in all matters;
  - Effectively recommending contract approval and strike sanction to the President of CWA.

The President shall be an ex-officio member of all Council committees.

8. The Vice-President shall perform the duties of the President in the absence of the President.
9. The Secretary shall keep minutes of all proceedings of the NRC and the Executive Committee and shall make copies of such minutes available to those in attendance within one month of each meeting. Copies of the minutes of NRC meetings shall also be sent to all Locals of CWA|SCA Canada within one month of each meeting.
10. The Treasurer shall keep accurate financial records and shall report on the financial position of CWA|SCA Canada when requested.
11. The President and Treasurer shall reside in, or near, the city where the headquarters of CWA|SCA Canada is located. The location of CWA Canada headquarters shall not be changed during the president's term of office.
12. The Officers-at-large are to provide counsel and balance to the Executive Committee, take part in all deliberations and undertake any specific tasks assigned them or for which they volunteer.
13. The quorum for Executive Committee meetings shall include the President or Vice-President of CWA|SCA Canada and a total attendance of at least one more

than 50% of the membership of the Executive Committee.

14. Any member of the Executive Committee may request a conference call of the Presidents of every Local to discuss major policy initiatives between regular or special meetings. Such a request requires a majority vote of the committee to become effective.
15. Any officer absent without notice for three (3) consecutive Executive meetings, or absent from three (3) consecutive Executive meetings without a valid reason as determined by the NRC, shall be deemed to have resigned from office and shall be replaced in accordance with Article 16, Section 8, of this Constitution and Bylaws.

#### **ARTICLE 15 – ELECTION OF OFFICERS**

1. Only members in good standing of CWA|SCA Canada shall be eligible to vote or stand for election.
2. The election of the CWA|SCA Canada Executive Committee, except for the President and Vice-President, shall be held every three years at the annual meeting of the NRC.
3. A call for nominations shall be sent out at least 45 days prior to the date of the meeting. Attendance at the meeting is not a requirement for candidates but nomination forms, signed by the candidate, must be received prior to the date of the meeting. All nominees must be members in good standing. Nominations may be made at the meeting if the nominee is present.
4. In an election year, as the second order of business, delegates shall elect an NRC Election Committee from members attending the annual meeting of the NRC. It shall preside over the election of Executive Committee members at the meeting. No candidates for national Executive positions being voted on at the meeting shall be eligible to sit on the committee.
5. Candidates attending the meeting shall be provided an opportunity to speak. For those nominees not in attendance, written statements may be presented and read into the record. Any necessary vote shall be held on the last day of the meeting.
6. Voting shall be by secret ballot.

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7. In the event of a tie, the NRC Election Committee shall have authority to resolve the tie at the meeting, using a method approved by the NRC.
8. At the conclusion of every election, the NRC shall witness an oath of office, administered by the President, to those elected. The same oath shall be taken by the President and Vice-President at the first opportunity following their elections.
9. A vacancy on the Executive Committee, other than in the positions of President and Vice-President, shall be filled by election at the next regular or special meeting of the NRC.
10. The President and Vice-President shall be elected for a four-year term fixed for CWA officers in the CWA Constitution. The election shall be by vote of the general membership of CWA|SCA Canada, according to rules and regulations developed by the National Election Committee, in accordance with this Constitution and Bylaws and approved or modified by the NRC and communicated to all Locals.
11. A National Election Committee of three members in good standing shall be elected at the first NRC meeting held following elections for the President and Vice-President. Any member of the committee who decides to run for either the position of President or Vice-President must resign from the committee. Any subsequent vacancy on the committee shall be filled by byelection by a vote of the National Executive.
12. The National Election Committee shall be responsible for the call for nominations, must ensure that candidates meet the requirements for office and must ensure all rules and regulations established by the Committee, and approved by the NRC, are followed during the election process. If the Committee feels any change to the rules for conducting the election must be made that cannot go before an NRC meeting, the change must be approved by the CWA|SCA National Executive.
13. Once the date for the CWA Convention in an election year is fixed, a date for CWA|SCA Canada elections shall be fixed by the National Election Committee and communicated to all Locals to ensure the process is completed prior to the CWA Convention. The process shall include:
  - a. A nomination period of 21 days.
  - b. A campaign and voting period of no less than 35 days and no more than 42 days.

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14. Ballots must be counted within five working days of the end of the voting period. The tabulated results shall be communicated to all Locals immediately. The President shall take office upon certification of the results and the taking of the oath of office at the CWA Convention. For the Vice-President, the oath shall be administered after the certification of results by the Secretary of CWA|SCA Canada at the next Executive meeting.
15. The voting process shall be by mail-in ballot, prepared, printed and distributed by the National Election Committee, unless Locals opt to conduct a vote using ballot boxes or the Internet or a combination of methods. The National Election Committee must be satisfied that any voting process a Local chooses provides a secure, verifiable democratic vote and is in accord with the provisions of the CWA Constitution.
16. In the event that a position is uncontested, the sole nominee shall be declared acclaimed at the conclusion of the nominating period.
17. Any challenge to an election result must be submitted in writing to the National Election Committee, stating grounds for the objection, within seven days of the result being announced.

### **ARTICLE 16 - CWA CANADA PRESIDENT**

The terms of employment of the president, including salary, benefits, vacation, etc., shall be determined by the Executive Committee. Since the president is self-assigning and self-scheduling, it is their responsibility to use up their vacation entitlement within the calendar year. Vacation cannot be carried over into the new calendar year except in exceptional circumstances and with the prior approval of the Executive Committee. By no means shall vacation entitlement be cashed out.

### **ARTICLE 17 – PER CAPITA PAYMENTS**

1. Locals shall remit payments to the National Office of CWA|SCA Canada consistent with the terms of their various merger agreements or, in the case of new Locals, by such method as is agreed to between the Local and CWA|SCA Canada.
2. Locals are expected to remit payments monthly. Locals which find, for reasons beyond their control, that a monthly remittance is not possible shall explain to the Treasurer of CWA|SCA Canada the nature of this problem.
3. Locals which have failed to make the past three monthly payments shall be



considered not to be in good standing.

4. Unless an explanation is offered, satisfactory to the Treasurer and Executive of CWA|SCA Canada, the officers or members of any Local not in good standing shall lose their right to sit on the National Executive of CWA|SCA Canada or any of its standing committees. Further, the CWA|SCA Canada Legal Assistance Program shall not be liable for any actions taken by the Local Executive, although the program shall still be responsible for defending members of the Local against any action by an employer, subject to the usual conditions of the Legal Assistance Program.

#### **ARTICLE 18 – FINANCES**

1. CWA|SCA Canada shall ensure that funding is available to provide assistance to member Locals for negotiations, the resolution of disputes between the Locals and their managers, CWA|SCA Canada Legal Services, and other matters that Locals and members face.
2. CWA|SCA Canada shall also be responsible for making payments to CWA and TNG/CWA to ensure participation in required funds.
3. The NRC shall have a permanent Finance Committee consisting of the President, Vice-President, Treasurer and other members deemed appropriate to oversee the financial affairs of CWA|SCA Canada, including the development of the annual budget, the establishment and maintenance of bank accounts, the selection of an accountant and auditor, and other major financial issues facing the union.
4. The signing officers for disbursing CWA|SCA Canada funds shall be the President, Treasurer and two other members of the Executive or one other member of the Executive and one member of CWA|SCA Canada's staff appointed by the NRC. Two signing officers shall be required to disburse funds, one of whom shall preferably be the Treasurer.
5. Locals and Local delegates of CWA|SCA Canada shall be provided a copy of the CWA|SCA Canada 'Finance Report' not later than 10 days prior to every NRC meeting.

#### **ARTICLE 19 – LEGAL ASSISTANCE PROGRAM**

1. CWA|SCA Canada's legal assistance program shall assist Locals in the defence

of their members, collective agreements and from legal threats incurred as a result of their normal operations. The program shall be administered by the Legal Review Committee, which shall consist of the President of CWA|SCA Canada, who shall be the chairperson of the committee, CWA|SCA Canada's General Counsel, a staff representative and two members elected to a three-year term by delegates at the NRC meeting during an election year for the Executive Committee.

Should any decision of the committee come to a vote, only those members who are duly elected shall have the right to vote. Elected officials include the President of CWA|SCA Canada and the two elected members by Locals.

The committee shall review all requests for assistance and follow the guidelines of the Legal Assistance Policy in dealing with those requests. Should a Local's request for assistance be denied, the Local may appeal the decision to CWA|SCA Canada's Executive Committee.

#### **ARTICLE 20 – COMMITTEES & CONFLICT OF INTEREST**

1. The NRC may elect or appoint members to as many standing or ad-hoc committees as may be required, including Finance, Bylaws, Legal and Print Sector Fund.
2. Only CWA|SCA Canada members may serve as voting members of union committees (national or Local). Union staff may sit on committees as advisers with voice but no vote.
3. Members of national or Local committees shall declare a conflict of interest in any matter where there is reason to believe their position in a business or their personal interests or relationships could improperly influence their judgment in the exercise of their duties. Committees, by a majority vote, shall have the authority to rule whether a conflict exists and whether a committee member must recuse him/herself. If, after the fact, it is alleged that there was a conflict of interest involving a committee, the matter shall be dealt with by the CWA Canada Executive Committee at the national level or the Local Executive Committee at the Local level. Members have the right to appeal under Local, national and international rules.

#### **ARTICLE 21 – CREATION OF NEW DIVISIONS, BRANCHES**

1. CWA|SCA Canada and its Locals, through its NRC, may create other appropriate

and distinct divisions, representing a number of Locals, or new branches, representing members who may not fit into traditional Locals. They may include a Freelance Branch or such other branches or divisions that shall represent workers with common interests.

2. When a new division or branch is created, the NRC shall determine the appropriate democratic structure to guarantee the interests and rights of all CWA members in Canada. For example, a separate Representative Council may be created, if numbers warrant. CWA|SCA Canada members who form a division may choose a name they feel is reflective of their common interests and it shall be used in conjunction with the name of CWA|SCA Canada to identify the member Locals in the division.
3. Division names shall require endorsement by a majority vote of the membership of a division and subsequent ratification by a majority vote of the NRC.

#### **ARTICLE 22 – AMENDMENTS**

1. This Constitution and Bylaws may be amended, revised, provisions deleted or added, at any regular meeting of the NRC.
2. Notice of a motion to change this Constitution and Bylaws must be submitted to CWA|SCA Canada's National Office at least 45 days before the NRC meeting at which the amendment(s) shall be considered. Such notice shall be circulated to all member Locals, and their known delegates to the NRC, at least 30 days in advance of the meeting. Such a motion shall be subject to a vote of the NRC.
3. Any proposed changes in the to this Constitution and Bylaws must come from the executive body of a member Local or CWA|SCA Canada's Bylaws Committee.
4. Changes to this Constitution and Bylaws shall be communicated to all Locals as soon as possible after they are made.
5. Any changes to this Constitution and Bylaws shall be in full compliance with the CWA Constitution and the documents mentioned in Article 3.1.

#### **ARTICLE 23 – DISCIPLINE**

1. Discipline under this Constitution and Bylaws shall be governed by the provisions of CWA Constitution and by relevant federal and provincial labour laws.

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2. Before talking disciplinary action against an individual member, Locals shall consult with the President of CWA|SCA regarding process.
3. Locals are encouraged to have their own disciplinary process within their bylaws but it must meet the standards set out below.
4. Members have a right to expect their elected officers to perform their duties to the best of their abilities and to fulfill their obligations under this Constitution and Bylaws, their Local bylaws and the CWA Constitution.
5. Locals have a right to expect members to live up to their responsibilities to their Local and to other members.
6. It is preferable that any differences be settled through discussion and, where necessary, mediation. Locals or members who have been unable to settle matters internally may request assistance from CWA|SCA. CWA|SCA Canada may then appoint a mediator to assist the parties.
7. If, after all attempts to resolve differences, an issue remains unsettled, it may proceed to the trial process if, when proven, it would breach this Constitution and Bylaws, Local bylaws or the CWA Constitution and/or constitute one of the following offences:
  - a. A failure on the part of an officer to perform his or her duties to such an extent that the operation of the Union is affected.
  - b. A breach of good faith, including but not limited to misuse of union funds.
  - c. Wilful violation of this Constitution and Bylaws or the CWA Constitution.
8. All charges against a member or an officer shall be in writing and submitted within 60 days of the date the accuser becomes aware of the alleged offence, or, if mediation has taken place, within 30 days of the submission of a report by the mediator.
9. Charges within a Local involving members or officers shall be submitted to the Local President. If the charge involves the Local President, the charge shall be submitted to the Local Secretary.
10. The Local Executive Council shall appoint a prosecutor to assist the accuser and investigate the charge. If the prosecutor determines there is probable cause to believe a violation under this Article has been committed, he or she shall report to the Local Executive Council which shall appoint a trial committee of not less than three but not more than seven members of the Local, selected at random.

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11. The trial shall be held as soon as possible. The accused shall have the right to be represented by a member of the Local of his or her choosing. Witnesses shall testify under oath, all proceedings shall be recorded and a decision shall be rendered within five days of the end of the hearings.
12. If the prosecutor finds no probable cause that an offence has been committed, he or she shall report to the Local Executive and the accuser. Any appeal of that decision may be made to the Executive Council of CWA|SCA Canada, within 30 days of the receipt of the prosecutor's report.
13. The same provisions and procedures shall be applied by CWA|SCA Canada to its officers if a trial is necessary for any reason, except that any appeal shall be to the President of CWA|SCA Canada or, if the charge involves the President of CWA|SCA Canada, to the CWA Executive Board.

### **ARTICLE 24 – INTERPRETATION**

1. This Constitution and Bylaws shall be interpreted by the NRC.

### **ARTICLE 25 – GENERAL LAWS**

1. At the date of the merger between the Print Sector Locals in Canada and CWA|SCA Canada, the General Law Provisions of the CWA Print Sector became part of the Bylaws of CWA|SCA Canada and are affixed to the end of this bylaw document.

### **ARTICLE 26 – FORMER PRINT SECTOR LOCALS' STRIKE FUND**

1. CWA|SCA Canada shall maintain a special segregated Strike Fund for the use by members of the CWA Print Sector Locals in Canada. The \$150,000 U.S., which was transferred from the Print Sector to Canada in 1997, is to be administered and used for the sole and exclusive purpose of providing members of bargaining units formerly represented by Locals in the PPMWS, benefits of the type and pursuant to the criteria provided by the Print Sector Strike Fund at the time of the October, 1997, merger.
2. The segregated fund shall be used for strike or lockout benefits in addition to those the CWA or TNG may provide to members. The Segregated Fund shall be kept in a separate bank account and all records concerning the money in the Fund shall be kept separate from the other financial records of CWA|SCA

Canada.

## General Laws of the Printing, Publishing and Media Workers Sector of the CWA

### Article I—Apprentices

Section 1. No employer shall employ an apprentice unless the employer has the equipment necessary to afford adequate training.

Sec. 2. Any person hired as an apprentice shall be at least sixteen years of age; and shall have satisfactorily passed an aptitude test given by the joint apprenticeship committee.

Sec. 3. The period of apprenticeship shall not exceed four years. The joint apprenticeship committee shall have authority to advance apprentices consistent with their ability to learn without approval of the Printing, Publishing and Media Workers Sector of the CWA.

Sec. 4. A local joint apprenticeship committee composed of equal representation of the employers and the union should be formed to make surveys and study, investigate and report upon apprentice conditions. The committee shall act to enforce the conditions of the agreement covering apprentices, and shall have full power and authority any time during the term of apprenticeship to terminate the employment of an apprentice who does not show aptitude and proper qualifications for the work, or for any other reason. This committee shall meet jointly at the call of the chairman of each committee at such time and place as may be determined by them. This committee shall have authority to vary training programs to meet the problems arising because of varying equipment of the shops under contract and shall have authority to direct temporary transfers of apprentices from one shop to another to accomplish as much all-around training as may be suited to the capacity of the apprentice.

Sec. 5. The foreman and chairman of the chapel shall see that apprentices are afforded every opportunity to learn the different trade processes by requiring them to work in all classifications of the trade. When apprentices are judged competent in one work classification they must be advanced to the

next step in the established training program.

Sec. 6. Apprentices shall be given the same protection as journeymen and shall be governed by the same shop rules, working conditions and hours of labor.

Sec. 7. No apprentice shall be employed on overtime work unless the number of journeymen working overtime on the same shift equals the ratio prescribed in the contract. Provided, When journeymen choose not to make themselves available in sufficient numbers to meet contract commitments, the ratio may be waived by permission of the local union. At no time shall an apprentice have charge of a department, class of work, or any other employee.

Sec. 8. Apprentices in military or naval service shall be counted as apprentices employed for the purpose of determining the number of apprentices permitted, unless the contract provides to the contrary.

Sec. 9. No apprentice shall leave one office and enter that of another employer without the written consent of the joint apprenticeship committee.

### Article II—Foremen

Section 1. None but journeymen or apprentices may be employed to perform all work within the jurisdiction of the union. The foreman shall be a journeyman.

Sec. 2. The foreman is the only recognized authority. Assistants may be designated to direct the work, but only the foreman may employ and discharge. In filling vacancies the foreman shall be governed by the provisions of Article V, General Laws.

Sec. 3. The foreman may discharge (1) for incompetency; (2) for neglect of duty; (3) for violation

of office rules which shall be kept conspicuously posted, and which shall in no way abridge the civil rights of employees, or their rights under accepted Printing, Publishing and Media Workers Sector of the CWA laws. A discharged journeyman shall have the right to appeal in accordance with the laws of the International as provided in the contract, and shall have the right to challenge the fairness of any office rule which is applied to bring about his discharge. Suspension is prohibited as a method of discipline.

Sec. 4. When it becomes necessary to decrease the force in an office where departments are not recognized it shall be determined upon what class of work the reduction is required. The journeyman with lowest priority standing in the office engaged upon

the class of work indicated shall be discharged first: Provided, The journeyman to be discharged may claim

any other work in the office such journeyman is competent to do which is being performed by a journeyman with lower priority standing: Provided further, A journeyman claiming other work to avoid discharge to reduce the force shall not be exempt from discharge if incompetent.

Sec. 5. In offices where departments are recognized a decrease in the force shall be accomplished by discharging first the journeyman holding a situation who has the lowest priority standing in the department in which decrease is necessary.

Sec. 6. A journeyman discharged to reduce the force shall be re-employed, either as regular or extra, upon work such journeyman is competent to perform in the order of priority standing.

Sec. 7. In offices where departments are recognized a journeyman declared incompetent in one department shall not be denied the privilege of seeking employment in another department nor be barred for incompetency within the meaning of Section 9 of this article, while there is work in another department such journeyman is competent to perform.

Sec. 8. A journeyman discharged for any reason, may demand and the foreman shall give in writing the reason for discharge: Provided, Such demand shall be made within seventy-two hours after journeyman is informed of discharge.

Sec. 9. A journeyman who has been discharged and who believes such discharge to be illegal or unjust shall have the right to appeal to the local union in the manner provided by the laws of such local union. If the local union orders reinstatement the

decision must be complied with until reversed. When a local union has made specific provisions in its contract for reference of controversies over discharge to a joint agency, the dispute shall be decided as provided in the contract. A journeyman who has been discharged for any reason other than to reduce the force may be reinstated at the option of the foreman, or by proceeding in accordance with the terms of this section. A journeyman discharged for incompetency, neglect of duty or a minor reason shall not be denied the privilege of seeking work in the office for a period longer than six months.

Sec. 10. A foreman shall not designate any particular day, nor how many days a journeyman shall work in any one week: Provided, The journeyman must engage a substitute when absent.

Any journeyman covering a situation is entitled to and may employ in his stead whenever so disposed any competent journeyman without consultation or approval of the foreman: Provided, Local unions may adopt laws requiring the employment of substitutes in the order of their priority standing; or for specified periods in severe unemployment emergencies, with the consent of the Sector President, may establish provisions for equitable distribution of subbing among eligible substitutes.

Sec. 11. A foreman shall not be permitted to select the force from day to day, but must have such number of regular situations as are necessary to meet requirements and to reduce employment of extras to a minimum. Employment other than for regular situations shall be classed as extra work.

Sec. 12. Where contracts or agreements provide for holidays with pay, the foreman shall not be permitted to change regular off-days to such holidays in order to evade payment for the holiday.

Sec. 13. Except as provided in Section 2, Article I, an employee's age shall not be a factor in employment or separation from employment.

Sec. 14. No journeyman shall be required to submit to a physical examination as a condition of employment.

### Article III—Departments

Section 1. When departments are recognized priority shall date from time of accepting work in the department either by original employment or permanent transfer.

Sec. 2. When departments are not recognized an employee shall not be discharged to reduce the force or for incompetency while there is work in the office such employee is competent to perform and to

which such employee is entitled by priority.

Sec. 3. When departments are recognized by agreement no transfer shall be made except in emergencies: Provided, When all available extras are hired in any department transfers may be made into that department.

Sec. 4. Regulations applying to transfers are for the purpose of preventing discrimination in the hiring of journeymen seeking work as extras. The hiring of more journeymen than are needed in one class of work or department and later transferring journeymen from this class of work or department to work which could have been done by others not hired, but entitled thereto because of their priority is discriminatory.

Sec. 5. Transfers are not required to permit journeymen to exercise priority upon a vacancy either regular or extra, which the journeyman is not qualified to fill: Provided, Transfers made for the convenience of the office shall be made to permit cancellation of overtime or observance of the five-day law and for the convenience of journeymen desiring to engage a substitute.

Sec. 6. Journeymen transferred to a class of work upon which they do not claim competency shall not be discharged for incompetency nor shall a foreman be permitted to make transfers which are discriminatory or for the purpose of depriving other journeymen of work to which they are by priority entitled.

#### **Article IV—Struck Work**

Section 1. Local unions at all times have the right to define as struck work composition and mailing room work executed wholly or in part in shops not under contract relationship with a local union of the Printing, Publishing and Media Workers Sector of the CWA, and composition, mailing room, or other work coming from or destined for printing concerns which have been declared by the union to be unfair, after which employees may refuse to handle the work classified as struck work.

#### **Article V—Priority**

Section 1. Persons considered capable as substitutes by foremen shall be deemed competent to fill regular situations, and the substitute oldest in continuous service shall have prior right in the filling of the first vacancy. This section shall apply to incoming as well as outgoing foremen.

Sec. 2. Local unions shall establish a system for

registering and recording priority standing of journeymen in all chapels, which shall be conspicuously posted or kept in a place within the chapel accessible to journeymen at all times. The priority standing of a journeyman shall stand as recorded.

Sec. 3. No journeyman shall hold priority in more than one office nor shall a journeyman retain priority standing or a situation in an office if such employee performs work over which the Printing, Publishing and Media Workers Sector of the CWA has jurisdiction, either supervisory or mechanical, in another printing office whether or not the journeyman is interested financially or otherwise in said office:

Provided, That in the event of a strike or lockout involving a substantial number of journeymen, the local union where such strike or lockout exists may adopt a law that will provide that journeymen involved may establish priority rights in another chapel in the same jurisdiction, and in the event of a settlement of said strike or lockout may relinquish priority so established and be granted their former priority standing in the struck or locked out plant: Provided further, Local unions may establish regulations whereby journeymen may be permitted to accept temporary employment in another office without loss of situation or priority standing, and under such regulations may excuse journeymen who accept such temporary work from giving it out as overtime to any journeyman who refused to accept such temporary work.

Sec. 4. Local unions may establish regulations permitting a situation holder, or a substitute having established priority standing, to engage in pursuits other than at the trade for a period not to exceed ninety calendar days in any twelve month period without loss of situation or priority: Provided, Journeymen exercising this privilege shall employ the priority substitute competent to perform the work.

Sec. 5. Local unions may establish regulations permitting a situation holder, or a substitute having established priority standing, to accept temporary employment in another office without loss of situation or priority standing while attending an approved technical training facility. Such employment shall be on a nonpriority basis and journeymen exercising this privilege shall employ the competent priority substitute.

Sec. 6. Any journeyman engaged to serve the Printing, Publishing and Media Workers Sector of the CWA, a local union, or to perform work in the interest of the organized labor movement, shall



employ while absent the available competent priority substitute. Journeymen performing aforesaid work, or any journeyman incapacitated by illness, shall not suffer loss of situation or priority standing while so employed or so incapacitated, in the event a substitute is not available. Available priority substitute competent to perform the work must be employed on any new situation created because of with greater priority become available, such substitute shall be placed on said situation. Upon reporting for duty full priority rights shall be restored to the situation holder who was absent.

Sec. 7. Journeymen and apprentices admitted as residents of the Union Printers Home and journeymen and apprentices in the armed forces of the United States and Canada or those who may engage in war work for the American Red Cross, or other similar accredited agencies shall have their priority and/or situations protected for such time as they are so engaged: Provided, Journeymen serving in the armed forces whose priority is protected under the provisions of this section may, while so engaged, seek work within the jurisdiction of a sister local subject to conditions prescribed by the Sector President.

Sec. 8. Journeymen and apprentices in the Organized Reserve of the armed forces of the United States or the Dominion of Canada, or other such organizations, shall have their priority protected while serving tours of active duty with such organizations in time of peace: Provided, When priority is protected under Sections 6 or 7 of this article, a journeyman or apprentice shall be considered to have full-time employment at the printing trade except when all available substitutes have been hired and such journeymen are eligible to cancel accumulated overtime of other journeymen only when voluntarily granted.

Sec. 9. A foreman employed from outside the shop shall accumulate no priority standing during period as foreman.

Sec. 10. A journeyman with established priority in an office may work for the same firm performing work other than work within the jurisdiction of the union without loss of priority in the composing room or mailing room.

#### **Article VI—Five Day Law, Overtime**

Section 1. Five shifts shall constitute a situation and no employee performing any work within the jurisdiction of the union shall be required or permitted to hold a situation composed of more than

the absence of a situation holder whose priority is protected under the provisions of this section or other sections of Sector laws or contracts. Local unions shall adopt laws specifying the time, which shall be not less than thirty nor more than ninety calendar days, after which such new situation shall be filled. Should a substitute

five shifts or less than five shifts within a financial week, except when a contract has been entered into for a shorter workweek of no more than eight hours per shift. All time worked in excess of the unit of hours comprising a regular shift and all time worked in excess of the number of hours established as a regular situation shall be considered overtime. No journeyman or apprentice may work an additional shift in excess of the contractual workweek at less than the overtime rate.

Sec. 2. Not less than time-and-one-half of the individual's hourly rate of pay shall be paid for any shift worked in excess of the number established as a regular situation within a financial week. When a journeyman or apprentice is required to work on a regular off-day or off-night not less than the individual's overtime rate shall be paid for such work performed.

Sec. 3. Employees required to work in excess of the unit of hours established as a regular shift must receive the overtime rate for all such excess time. The overtime rate shall be not less than one and one-half times the employee's hourly rate for the shift on which work is performed. A foreman performing executive or clerical work exclusively is not subject to the overtime laws. A foreman who does any work within the jurisdiction of the union at any time is subject to the overtime laws. In extreme emergencies, such as fire, flood or disaster, the overtime rate may be waived by the local union as the contracting party.

Sec. 4. Where journeymen work during a regularly scheduled vacation period and receive pay in addition to vacation pay for such time worked, such time worked shall be classed as overtime at the ratio of day for day.

Sec. 5. Local unions shall have full authority and the responsibility to adopt regulations for the complete government of overtime.

#### **Article VII—Sublist and Control of Work**

Section 1. Establishing or maintaining situations composed of less than the number of shifts constituting a week's work as provided in Section 1,

Article VI, General Laws, thereby creating and controlling extra work constitutes the operation of a sublist and is prohibited.

Sec. 2. Laying off a situation holder and employment of another journeyman as an extra to perform work which the situation holder is competent to perform and is entitled to by priority is prohibited.