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This is a Meeting of the
National Executive Board of
Unifor, held via Zoom Video
Teleconference on the 6th
day of May, 2022, upon
commencing at 12:04 p.m.

NATIONAL SECRETARY-TREASURER LANA PAYNE

The Chairperson

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BOARD MEMBERS PRESENT

LANA PAYNE - National Secretary-Treasurer

DANIEL CLOUTIER - Quebec Director

Regional Directors:

Linda MacNeil
Gavin McGarrigle
Naureen Rizvi

Regional Council Chairpersons:

Shinade Allder
Matthew Blois
Guy Desforges
Leanne Marsh

Industry Council Representatives:

Doug Carter
Gord Currie
John D'Agnolo
Tullio DiPonti
Dana Dunphy
Yves Guérette
Tammy Moore
Jennifer Moreau
Jennifer Murray
Marc Rousseau
Keith Sullivan

Additional Representatives:

Dave Cassidy (until 12:55 p.m.)
Les MacDonald
Ruth Pryce

Regrets:

Benoît Lapointe

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FRIDAY, MAY 6, 2022

--- Upon commencing at 12:04 p.m.

CALL TO ORDER AND WELCOME

NATIONAL SECRETARY-TREASURER LANA PAYNE:

I hope you are all well and keeping safe out there. I know in parts of the country, we've still got some serious, serious COVID problems, and for sure in Ontario, this continues to be a very big problem, especially for our members working in healthcare, going in to what is a third summer of trying to deal with all of this.

Before we get started, just a couple of brief updates and an addition as well to the agenda, an important addition. Katha and, I think, Gord Currie are going to give us an update on this horrific situation that we've got currently facing our members at the women's shelter in Napanee. You might all recall that this has been reported out to the Board before, but I'll leave it to them when we get to that item to explain what's occurred there, and a proposal we have to try and support some of these sisters who are in a very tough situation right now.

I'd also like to welcome and

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congratulate Daniel Cloutier, who was just elected at Quebec Council as the Quebec Director.

Congratulations, Brother, we are very excited to have you come join us in this new capacity, and I know that our Quebec locals and our entire union can count on your leadership as we build Unifor into the next decade.

We all know that there is some very big challenges, obviously, facing workers, not just currently but as we progress in the years ahead. We're seeing governments now propose austerity plans. We've got employers doing what they're regularly doing. We've got inflation all over the place causing all kinds of problems, interest rate hikes that are coming down the pipe.

We've got a war, obviously, in Europe that's causing any number of issues, not just for the poor people of Ukraine, but obviously on the global economy too. And the pandemic continues to steal lives all around the world and, of course, as well, taking serious, serious hits and impacts on our global economy, not the least of which is the supply chain issues that we continue to suffer here in Canada and around the world.

So, that's really great. And, Daniel,

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if you don't mind in a few minutes, maybe I'll pass things over to you to have some opening remarks for our Board. I just had a couple of other updates that I wanted to give to the Board.

NATIONAL SECRETARY-TREASURER'S UPDATE

LANA PAYNE: You've probably all heard this past week the huge news that occurred for our members in Windsor and Brampton, Local 444 and 1285, just an incredible, you know, outcome there in terms of the future of those two facilities. Shane and Dave, and I believe, as well, Danny Price, were present for that big announcement in Windsor, which will secure jobs right into the future for these facilities, and really, I think, is a testament to not just the 2020 bargaining but obviously the work that our auto locals have been doing, our National Union has been doing for a long period of time, pushing for proper industrial policy, particularly around the auto sector, but more broadly.

And even during the dark days, whether it was government disinterest in the auto industry, whether it was the 2008 financial crisis, a lot of ups and downs in this sector over many, many years. And to see what's happening now with almost a rebirth of

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the auto sector in Canada is a true testament to our union, to the local leaders who have been working on this for such a long time, and I just want to say congratulation to all of you. Really, really great work and my thanks to Shane Wark who has been leading that file in our union, obviously.

I don't know if anyone wants to make a comment there before I get to my next update. I don't see any hands up, but great work everybody. And, actually, I'll get Scott to come in on this with me. Scott and I were in Quebec City this week. We have a situation with one of our locals. It's the air traffic controllers. There's been any number of issues, I would say, Scott, over the years, with this group.

The Board members who have been around a while probably recall, I think it was maybe 2018 or 2019, Jerry and Bob went into their meeting in Banff, I believe it was, where there was a resolution at their convention to withdraw from Unifor. And they were -- you know, with some good arguments from both Jerry and Bob, I understand at that point, you know, there was an agreement to stay.

But, you know, they've had some challenges in their own organization over the last

three years, if that's a good way of putting it. They've had a number of leadership changes in their local, and there was an agreement, I think, pretty much that they would have more autonomy from Unifor, and I'm not sure that that's really been working for either of us in that regard, and as a result, we've got some dissatisfaction there that's been growing with that group.

It is a very important local to Unifor. They clearly bring a lot to our aviation sector. Tammy would know this too. Obviously, with the air traffic controllers, we're able to say that we represent workers from the grounds crew right to air traffic controllers in that sector. I think we have about 16,000 or 17,000 members currently in aviation, about 1,500 of them, I think, Scott, come from the air traffic control group. They are a very -- a big contributor, obviously, to our union.

In any case, they did approve a resolution that would see them putting a vote to their membership over a period of time, leaving it up to their own executive of when that would happen, which was a very good thing because the way the meeting started out, it looked like it was going to be all downhill from there. But we managed -- there's some

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cool heads in the group, I would say, Scott, if we could explain it like that.

And so, in the end, they basically agreed that, yes, they would go to their membership at some point, but they wanted to be able to take some time to also work with us to see if we can't get a new or a renewed relationship with the CATCA group. And so, we've got a period of time, we've got a window to do a lot of work there to make sure that we can keep them in Unifor. So, I don't know, Scott, if you want to maybe add a couple of viewpoints there, because you know this group a little better than I do.

SCOTT DOHERTY: Thanks, Lana. And Lana did a great job presenting to the group. Obviously, this dissent has been there for some period of time and it's not all related to the union; it's related to politics as well from some of the regions across the country. But it's a big group that does a lot for us and, obviously, we've got a lot of work to do before they go into the referendum to get a working relationship.

But I think, you know, Lana and I have talked with Bruce Snow. We'll put together a team and actually start to provide some servicing to them, I guess. This is a long merger, 20 years ago, and the

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merger has evolved into us giving them rebates as opposed to giving them services for some period of time, and that clearly hasn't been successful. They need to figure out what they want out of their unique situation and what we can bring to it.

So, I think there's an opportunity for us to still win the referendum. It's always tough when you go to the members on whether or not you want to belong to a union or not, but I think there's an opportunity for us to really do something good there, and we'll put together a team. And we still have the other two air traffic control groups that we can also use to help us with that.

So, I think we'll put together Angelo, Roxanne and a bunch of the other strategic minds that we have in our organization, we'll put together a good campaign with Kellie Scanlan and we'll do something there that I think we can be successful.

So, it's not the end of the world, but obviously we would have liked to not have actually gone to a referendum, but there was no stopping that. Lana is right, there was some cool heads in the room that got us to a point where we can still be successful and we will do the work necessary. So, thanks, Lana.

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LANA PAYNE: Yes, and I think one of the things that helped as well is that they are going into bargaining. So, there seemed to be a sense that they didn't want to be kind of changing too much as that was approaching. And, of course, the other two groups that Scott referred to will be going to the table around the same time.

So, in any case, we'll keep the Board abreast of that situation, and we will do everything, obviously, we can to make sure that we keep the air traffic controllers as part of Unifor, and we may call on any or all of you to be helping with that effort, that's for sure, Tammy, because I think there's probably a role for your Aviation Council and such to play as well. So, we'll make sure everyone is in the loop around that work.

In addition, I would just -- oh, thanks, Keith, I see you're here. Naureen, you're here too. You haven't missed much. I was just doing a couple of updates for the Board and the latest one was around Scott's and my meeting with the CATCA group.

In any case, for the most part for today's meeting, we've got to get through some of these constitutional amendments. Some are ones that Shane and team worked on, which really come out of,

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basically, three years of things that would occur coming into the Constitutional Department that might not have made much sense, and just trying to tidy those things up.

And two are actually recommendations coming out of my office, and hopefully we can have good support on those. These are ones that I've mentioned to the Board before. My apologies to the Finance Committee that I didn't get these to you ahead of time for your review. You all would be aware of them, though. They are issues that we've discussed around changing the funding allocations in the Constitution. So, there's a little bit less going into the Organizing Fund and a little more going into the General Fund, so we will have a bit of flexibility around just extra money for servicing and things like that.

Currently, we've never spent the allocated funds that go annually to the Organizing Fund, and there's been quite a large surplus that's been built up there over time.

Lastly, I would say I think it's important today as well that we have a good discussion around the issue of the special convention. We have booked a venue, secured a venue for a special

convention in June in Toronto. We have and continue to receive a lot of emails from locals for and against a special convention. We've been receiving a lot of these.

In addition to that, the registration email that we set up for locals looking for information about their delegates from 2019, so that we could be getting that information back to them, that email also has been receiving quite a bit of input from the locals trying to figure out who gets to vote and who doesn't.

Secondly to that is a number of locals who have expressed serious concern over the fact that they would be completely disenfranchised from voting in the special convention, given the reliance on the 2019 delegate credentials. And I think that that's something that the Board really probably needs to talk through. It's a serious problem when we're telling locals that they can't vote, and I think it's quite problematic, so I would like the Board to think about the implications of that as we make that determination today.

So, with that, perhaps if you don't mind, before we get into the bulk of these amendments and such, perhaps I can turn things over a little bit

to Daniel so he can say hello to his first executive Board meeting, and, again, welcome Daniel.

DANIEL CLOUTIER:

(in French)

(taken from translation)

Thanks, Lana. Thank you, thank you everyone. I am very enthusiastic, very proud to be able to join you and to actively participate in the union, and work with all of you, so thank you all. And I'm convinced that all together we will be able to work for all Unifor members. Thank you.

2022 SPECIAL CONVENTION UPDATE

LANA PAYNE: Thank you, Daniel. So perhaps now we can get started - I'm just looking at my agenda here - and start the discussion around the special convention and any concerns any of you might still have around, obviously, the bulk of letters that we have been getting.

I haven't basically responded to a lot of them except to say we have received your letter. If they had a specific question that was obvious, we responded with the answer to that. A lot of the ones that we received through the registration has just been us sending back to a lot of them basically here

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were your delegates in 2019, and you all received kind of Anthony's email as well around the interpretation of how it is we explain to people who is voting and who is not.

The letters that we have received from locals have come from all over the country, you're aware of that, and for the most part have been just raising any number of concerns. Obviously, the disenfranchisement around voting is one of them; secondly, the cost of two conventions in one summer, that's been raised by any number of people, and just various concerns about all of that.

So, I think it's important today that we just go over that as a board and discuss the issues that are being raised by the locals. In addition, of course, we've had locals send us emails in which they want a special convention, so there's that happening too. So, we're going to have to consider and think about all of the issues that are being raised here and I think have a good discussion today about that. So, I'll open it up for discussion. Dave, and then Shinade and then anybody else who wants to pop in here. Go ahead, Brother.

DAVE CASSIDY: Thank, Lana. My position hasn't changed and I don't think anybody's position

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really has changed. So, we could go on for hours here and go back and forth and back and forth. We've read everything. Or we could really -- instead of having the long debate and discussions, because we've done this several times, is actually take a vote and move forward with it, whichever way it goes based on the Board's vote.

So, that would be my proposal, because every single person has read every single email and has their opinion on every single reason why or why not, and I would just like to potentially just take a vote based on it, because every one of us will speak and, Lana, just for the record, I don't support it. I do have to get off at about 12:55, so I think it will go a lot longer than that, so you can take my recorded vote now, if you want. But that's my position on it. Thank you.

LANA PAYNE: Okay, thanks, Dave.

Shinade, Sister, I think you're next, and then Daniel.

SHINADE ALLDER: So, question, you mentioned that you had the venue in June. Do we have the date for that? When in June?

LANA PAYNE: June 17th and 18th, and it's the Sheraton Centre.

SHINADE ALLDER: Okay. And when you

mentioned to have a vote, so essentially, what my take-away from that is that we are voting to go basically against the Constitution, right? So, either to have the convention or not.

LANA PAYNE: Shinade, I'm just asking for people to make comments on what we've been receiving. I think it's incumbent on us to have a discussion given the sheer number of emails that we've been receiving from locals on this matter. So, that's what I'm saying right now. Otherwise, we'd be just ignoring all of the letters that we've getting around this, and I don't think that that's a response that we can give to locals, that we ignored your concerns and we didn't discuss them. That would be my point here. Daniel, over to you. Then Naureen, then Linda, then Tullio, then Keith.

MOTION OF THE QUEBEC COUNCIL TO NOT HOLD THE SPECIAL
CONVENTION IN JUNE 2022

DANIEL CLOUTIER:

(in French)

(taken from translation)

Thank you, Lana. So, thank you, Lana. As I was saying last week, we had the meeting of the Quebec caucus and an emergency resolution was received

during that meeting, and that emergency resolution was adopted unanimously by all of the delegates from the Quebec Council, some 400 delegates were present, and the resolution adopted by the Quebec Council is such that Quebec is proposing that we don't hold a special convention, and I will respect the will of the Quebec Council, and I would have a proposal to make about this. Should I make my proposal?

LANA PAYNE: Go ahead, Brother, you have the floor.

DANIEL CLOUTIER:

(in French)

(taken from translation)

Thank you. So, there is a preamble and then a proposal. On the 24th, January, 2022, the National Secretary-Treasurer Lana Payne received a verbal complaint about Jerry Dias, the National President, who would have violated the Constitution. A written complaint was then received, and after receiving this complaint, Lana proceeded with an investigation, and following that, an official complaint was made against Jerry Dias about these violations.

The leadership decided on an outside investigation. The leadership team also unanimously

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decided that the NEB meeting should have been put at a later date. Jerry Dias was informed of this investigation and he was invited to cooperate with this investigation. He was also informed about the unanimous request from the leadership of putting off the NEB. Jerry Dias did not put this NEB meeting off and during that meeting, the NEB supported Scott Doherty's nomination, and Lana Payne and others were not present during that meeting. Jerry Dias did not inform the NEB that he was under investigation and the investigation was not discussed during the meeting.

On the 6th of February, Jerry Dias went on medical leave. Unifor had obtained written legal advice saying that this leave would not stop him from participating in the investigation, but despite that, Jerry Dias did not cooperate with the investigation.

And following that, in the case where the National President is on leave, it is proposed that the other members of the leadership and regional directors assume his responsibilities and to be the spokesperson of Unifor and deal with the other responsibilities of the president and will be done by Lana Payne, the secretary treasurer, who will also get support from the senior leadership.

On the 11th of March, following Article

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6A, Lana Payne did put forth a motion to hold a special convention, and this was sent to all of the locals, and following that, Jerry Dias has sent an email in which he announced his immediate retirement, spoke about his medical condition, and it's stating that because of that, an extraordinary convention was going to be held. But this email did not speak about the investigation he was under for violation of the Constitution.

The NEB met on the 21st and 22nd of March in order to examine the findings of the investigation. The investigation showed that Jerry Dias had violate the Constitution following interactions with a third-party vendor and that there was a violation.

Hence, the NEB determined that Jerry Dias was accused of having violated Article 4 and that a hearing was going to be held. The NEB also unanimously adopted a motion asking all of the candidates to the post of National President to put their campaigns on pause.

Following legal advice after having examined the investigation, it was decided to remit the money to the police. Unifor did not put in any complaint. It just remitted the money to the Toronto Police. The Toronto Police subsequently said that it

was launching an investigation.

On the 4th of April, Lana Payne asked the NEB to organize a special convention according to Article 7 of the Constitution, and on the 11th of April, Lana Payne announced to the NEB that she was going to run for National President, hence joining Dave Cassidy and Scott Doherty who had already announced their nomination.

And following the debate, the NEB decided to withdraw its endorsement from Scott Doherty. And after that was made, Scott Doherty agreed to not get the NEB's endorsement.

Following that, we got a number of letters, and it was discussed who was going to have a right to vote during this special convention and we noted that a number of locals would not have a right to vote during that special convention, given the delegates they had at the 2019 convention.

LANA PAYNE: We're not getting interpretation.

INTERPRETER: I'm sorry? No, it was my mistake. My apologies. I was on the French channel. I will ask Daniel to pick up. I'm sorry.

DANIEL CLOUTIER:

(in French)

(taken from translation)

Is it back up? Can I continue? So, in general, letters received from the locals are against a special convention speaking to the cost of two conventions at the time when Jerry Dias decided to take his retirement, and given the situation that was under investigation. There might be consequences to depriving these locals from being able to vote at the special convention because it is based on the delegates of 2019 and it's just a matter of using common sense.

The NEB has also received a resolution as supported unanimously by the Quebec Council supporting the cancellation or not holding a special convention pointing out that the union, speaking to the fact that we cannot delegate our fiduciary responsibility. And so, people who cannot vote during the convention, the special convention, would not be acceptable.

During the pandemic, the members of the NEB voted time and again to be flexible when it came to the Constitution because of the extraordinary circumstances. This is another case of extraordinary conditions. For instance, we renewed the term of the different officers for industry councils, for

instance, because of these extraordinary circumstances, and we also allowed locals to postpone the local elections.

As well, the Ontario Regional Council met to renew its executive's mandate for another year. And so,

WHEREAS:

1) We find ourselves in exceptional circumstances given the announcement of Jerry Dias' resignation while he was under investigation a short time after the statutory convention was called on March 11th with resolutions put before the NEB having to do with different measures that had to be taken because of these exceptional circumstances of the pandemic, the NEB should reverse its decision on April 4th whereby it would be calling a special convention.

2) That the statutory convention will be held as scheduled and the elections will be held at that time.

3) Provide all locals with a copy of

the motion and the preamble to the motion.

That would be Quebec Council's motion.

INTERPRETER: Translated very literally and without the copy at hand, unfortunately.

LANA PAYNE: Okay, Daniel, do you have a seconder for your motion here? Is anyone seconding this? Guy? Okay. So, Naureen, before I come to you, there will be debate on this motion on the floor and then we'll come back to you. Is that okay, sis, or do you want to speak to this motion right now? Because you're next in line.

LES MACDONALD: Point of order.

LANA PAYNE: Okay. Where are you? Who is doing this right now? Les, is that you?

LES MACDONALD: Les. It's me.

LANA PAYNE: Go ahead.

LES MACDONALD: The point of order is that you can't make a motion after you speak to the motion first. So, like, he laid all the facts out, and his facts are wrong, too. I don't know. Daniel, welcome aboard, by the way, but some of the facts that you mentioned here I've been writing down aren't the same ones that I had written before from the NEB meetings, unless my mind is going.

But to begin with, on the point of order, you can't make a motion after you -- you can't discuss it and then make a motion. I could be wrong on that, you can overrule me on that, but ---

LANA PAYNE: Okay. So, Les, your point is that Daniel would need someone else to make the motion?

LES MACDONALD: Well, yeah, he can't -- that's right. He can't make -- he can't talk and then make the motion.

LANA PAYNE: Okay.

LES MACDONALD: Now, if somebody else wants to make it later on, that's fine.

LANA PAYNE: Yeah, I think he said it was a preamble. He wasn't speaking to the motion. That's my understanding. Daniel, is that what you said? I mean, we were relying on the interpretation there without ---

DANIEL CLOUTIER:

(in French)

(taken from translation)

That is exactly it. It was a preamble. I read out a preamble, and then there was a motion, but I have not spoken to the motion. It was only a preamble to the motion. The motion begins with,

"Whereas given the exceptional circumstances" and the rest of it, but if I made a mistake, the motion is as of the "whereas". The rest was a preamble.

LANA PAYNE: Okay. Les, are you okay now?

LES MACDONALD: Not really for me, but you can test the house. I don't know. Maybe ask somebody else.

LANA PAYNE: Okay. So, will you be okay if there's another person moving it and we have already Guy seconding it? Will that clarify things for you?

YVES GUÉRETTE:

(in French)

(taken from translation)

Yves Guérette, I so move. I have not yet spoken to it, so I so move that we cancel the special convention. I so move, seconded by Guy.

LANA PAYNE: Okay. Les, are you good now?

LES MACDONALD: I've got to be now because somebody else made the motion.

LANA PAYNE: Okay, thank you. Naureen, do you want to speak to this motion or are you onto something else?

NAUREEN RIZVI: No, no. I thought we were talking about the special convention anyways; it's just now there's a motion on it.

LANA PAYNE: Go ahead, sis.

NAUREEN RIZVI: So, a couple of things, and I think -- I just want everyone's patience as I sort of go through my thoughts. So, June 17th and 18th brings us to seven weeks before convention, and less than two months before the impracticality of it all that the locals are going to feel is completely understandable, and that's because the date is so late that it really is a point of no return, in my view.

From holding a position on the Board and, Daniel, this is where I think we disagree on a couple of things, the National Executive Board throughout COVID absolutely did talk about exceptional circumstances where we had to do things differently, where there were discussions about the sector chairs, you know, that their terms just be extended by a year but the Board didn't use their magic wand to do that.

In fact, the recommendation, if I understand and remember correctly, was that every sector chair had to go back to their sectors, and those delegates were the ones who had the power to make -- to accept the recommendation to extend

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everyone's term by an additional year, or whatever it was, but I do remember sitting in on different sector meetings. It wasn't us here who just determined that, you know, Marc could be extended by a year. We actually had to go through the Telco Council.

I don't know if I'm incorrect about this, but I'm pretty sure that we had asked all the sector chairs to go back to their sectors, to talk to their executive, to get that from there and not -- the NEB didn't sort of just do that. We did definitely talk about it, made the recommendation.

The same thing at my Ontario Regional Council. We couldn't just extend the positions, you know, as we saw fit. We had to take it back to the delegates. And Dave and Shinade will know, and actually a lot of people, after quite a bit of a mess, we were able to get to where we wanted to, but again, it was decided upon by the delegates of that council.

And so, if we use that sort of same sort of methodology, and this is something that the Constitution Department has always sort of put in our head, is that the hierarchy is Constitutional Convention, and then NEB, and then the president and the regional directors, and that each one sort of reports into each other. And so, therefore, I think

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it's the 2019 delegates to convention that can decide whether they have this convention or not. And I don't think that the Board actually, and myself as a board member, that I don't actually have a right to override what the Constitution says.

And where it talks about the dictates of common sense, that was, in my opinion, from what I understand from really everything we've always ever sort of talked about at National Executive Board, and through the Constitution Department, is when there is something missing or has not explicitly been laid out in the Constitution "this is how you are supposed to it," when there isn't that, that's when you use the dictates of common sense. But, in fact, where there already is, that's what you're supposed to sort of follow.

And after all that our union has been through, talking about no one is above the Constitution, we follow the Constitution, I'm really concerned because, Lana, you said it, there's a group of our locals who are saying "we don't want a special convention"; there's a group that is saying "we do want it." And at the end of the day, the Constitution demands it.

And so, I am of the opinion that, yes,

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we voted on it last time. I think it was just confirmation to send out the call letter, but that we actually don't have the right to cancel it, that only convention delegates actually have the right to cancel it, just the way that we couldn't magically tell the sector chairs that you're extended by a year or two years. They had to go back and get that from their councils. And just the way I couldn't, myself or the Executive, just simply say to Shinade and others that you can just remain in that position until we have another meeting. It had to go to the delegates that decide that.

And so, I don't know that this is the body that can do it. This is my opinion, and so, I don't think that we can vote against what it says in the Constitution. The only place we can do that to make amendments at the Constitutional Convention if we don't like what the Constitution says, if we don't agree, and sometimes putting things to the test this way, we've never been tested this way, maybe, perhaps, that is an amendment that needs to be made if people aren't comfortable with it, or how things are done, or voting power and all of that.

But I don't know that this body can make changes to the Constitution and decide what they can

and cannot do. And then, I guess, the hard part is the impracticality of being seven weeks away when locals say that, you know what? We're less than two months to convention, why would we have another one? They are absolutely correct, and that's the problem, is that we should have had one already.

So, those are just my thoughts, and I, as a Board member, don't think I can override the Constitution and vote for it to be cancelled. And so, I guess when we do put it to a vote, which isn't right now, this is what my thoughts are.

LANA PAYNE: Thank you, Sister. Linda, then Keith.

LINDA MACNEIL: Thanks. So, I can't believe we're rehashing this again but, nonetheless, at the last NEB, I had said very clearly what my thoughts were when I believe Yves brought up about the special convention. I'm going to say it once again. I do not think we can pick and choose what parts of the Constitution we follow and what we don't follow.

So, there is now a motion before us about not following the Constitution. So, if next month a whole bunch of locals write in to say, "I don't think we should have an August convention," even though the Constitution says we're supposed to have

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one, are we going to review that too?

Like, that's how, I guess, extreme I feel the road we are going down. It's a slippery slope. I said it before; I'll say it again. I agree with Naureen. I do not think we have the authority as a National Executive Board to have a vote.

And August 4th, that came from your office, Lana, it came from you around the motion of the special convention, I was doing three things at once. I replied yes, which obviously the majority did, or we wouldn't be having this discussion again, and afterwards, I thought to myself, What? Why didn't I -- I was blaming myself -- why didn't I pick up on that sooner? Why are we even having a vote? If the Constitution says we're supposed to do it, why are we voting on it? But neither here nor there; I voted all the same. That was passed.

We're now talking about it again. I don't know, April 4, March -- okay, I'm just trying to figure out the timelines. A lot of time has passed and we're still talking about it. I think it utterly ridiculous. So, all I'm saying we don't -- I believe we do not have the authority to override the Constitution, folks. To me, it is that simple.

And if this is actually going to come to

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a vote again, I'll do what I should have done back April 4th saying I am not voting on violating the Constitution by not having a special convention. It is that clear. I can't say it any clearer than that. So, that's all I have to say.

LANA PAYNE: Thank you, Linda. Keith and then Tullio, you or John, I'm not sure. Okay. Thank you, Brother. Go ahead.

KEITH SULLIVAN: Good day everybody, yes. So, I guess, you know, with as much common sense as possible has really got to do prevail here. And welcome, Brother Cloutier, as well. Thanks. You know, I certainly start off by saying generally, very supportive of that and I think that's very logical for us. We are put in a brutal situation by Jerry here and I guess I'm not sure under normal circumstances things could be different.

But as this process went along, it became evident that it wasn't clearly evident from the start about how the special convention could possibly be done, but the rules that we had to operate under, it's not even reasonable to be able to do it, unfortunately. So, I think that really does have to be revisited at convention. It's just not possible.

If we were to go through with this, it

clearly would be illegitimate. We're getting so much feedback on it, it doesn't make - like, logically, it doesn't make sense. No one in their mind would say it's a good idea. Considering the circumstances, no doubt it would be disastrous. And maybe it might be a little easier for people in Toronto to be able to get delegates and send people there. It's not fair or reasonable to people in other areas in particular. I just know the problems here.

And, you know, you look at the delegate lists, I would say there's many, many locals who the delegates are not in the position or are not able attend. I don't know what percentage of people we would have voting there. So, I mean, as much as you would like to do something differently, I mean, it just doesn't make sense. It's not practical. I think we would be totally ignoring the common sense and the wishes of the majority of members there.

So, you know, I think we really have to do what is the right thing, and I think Daniel Cloutier laid it out pretty well there. So, I mean, I won't go on. I think we recognize that it's not possible, even if people wanted it a different way, for example, right? I think that's the realization we have now, and I think it's just part of the

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Constitution that wasn't considered before, and obviously, I think in hindsight, we have to look back at that. Thanks.

LANA PAYNE: Thank you, Keith. Tullio, over to you, Brother, then Daniel, and then if there's anybody else, put their hand up.

TULLIO DIPONTI: Thank you, Sister, I appreciate that. Two quick things. So, on the April 4th, we all voted. Whether we did the right thing or not, whether we should have or not, we can debate that a little bit more. I just -- what do we do with that vote? Obviously including Yves that made the motion now not to have it, voted in favour of the convention, special convention, I should say.

So, I'm a bit confused on that. And I agree fully with Sister Linda and Sister Naureen in regards to the predicament we're in here with less than two months before we have the actual convention, where it puts us in a bind. As I mentioned before, I've always said, if we follow the Constitution, we'd never get ourselves in trouble.

So, I think we got ourselves in trouble because we didn't follow the Constitution and I don't know how we get out of it. Obviously, we've got to figure this out, because at the end of the day, the

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Constitution was put in place for a particular reason, to make sure that the business of the union moves forward and moves forward in the way it is supposed to be done.

And to me, this thing, if we would have done what we were supposed to do according to the Constitution, that we have to deal with this within 30 days, I think we would have been in a better position for the union and for you, Sister Lana, for being put in this position. And we can debate who put us in this predicament, we all agreed, Jerry agreed that he was wrong.

I don't feel like we've got to go through again, but my biggest thing is the vote that we had, the timeline now that we are proposing and the fact that now we've got to vote again against something that's written in the Constitution. It's not even about common sense. It's written in the Constitution.

So, if I can, I would ask -- because obviously we all know that Shane Wark has been the constitutional guy for the National Union, whether it was CAW and then when we're Unifor and all that, can I get Shane Wark to weigh in on this? Because I think it's important that I hear from him. I trust his

judgment and I know he's always been the constitutional guy. So, if I can ask for that, Lana, I'd appreciate it.

LANA PAYNE: Yeah, I have no problem doing that, Tullio, but I think it's incumbent that we let Board members speak first and then we will go to Shane. Daniel, back to you.

DANIEL CLOUTIER:

(in French)

(taken from translation)

Thank you, Lana. Well, as far as I'm concerned, it's not a matter of whether we can or cannot vote again on our Constitution and amending our Constitution. It's been done already. When we decided not to hold Canadian Council, when we cancelled Canadian Council, when we decided to postpone elections, we've done this already.

But the question wasn't do we have the right to do it, do we have to do it or don't we have to do it? The question was, we are in exceptional circumstances, so there are specific circumstances, there are exceptional circumstances that allow us to suspend or apply the Constitution differently. We've all done this.

The Canadian Council were postponing

other councils. So, here we find ourselves yet again, today, in exceptional circumstances, and I think it's justified that you take that into account when it comes to the Constitution. I've shared with you what Quebec locals have had to say about this. I can assure we debated it at length.

All these debates have been held already, and we've come to conclusion that for financial reasons, for democratic reasons, for practical reasons, it just didn't make any sense to hold a special convention before the statutory convention.

With all due respect, Brother, the question is not whether we can from time to time not abide by the Constitution, but rather, given exceptional circumstances, whether can we or not stray from the Constitution, and I believe we can in this case. Thank you.

LANA PAYNE: Thank you, Daniel. Jenn, over to you, sis.

JENNIFER MURRAY: Thanks, Lana. So, I'm hearing what everyone is saying and I know in the past when we had decided to either bring it back to our sectors to vote on whether or not they agree to extend terms and all those things, well, I sit on the Board

representing the rail sector, and I agree with Naureen that what we did was go back to folks and ask for their input. And so, that is exactly what I did, representing the rail sector. I went back to the rail sector, to the executive, and we talked about the special convention and we talked about not only the cost, because the costs definitely are one thing and it's problematic. Like Keith said, you know, coming in from all over the country, we're national in scope as far as the rail sector goes, and it's very, very costly to bring people in.

But aside from that, the biggest issue of concern is the delegate status. And many people sitting in those positions today, or that were sitting in those positions in 2019, they're no longer in positions or they're gone. And the fear is that, obviously, the weighted vote, they're just not going to have their proper say.

And I agree that the language does need to be amended. I don't think we ever entertained that we'd be looking at the Constitution from this lens of, you know, what's taken place. I agree that the language does need to be amended, but the rail sector has absolutely definite concerns about a special convention. Thanks.

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LANA PAYNE: Okay, thanks, Jenn. Doug, Brother, over to you.

DOUG CARTER: I guess if we had followed the Constitution and had this special convention within 30 days, obviously, we wouldn't be in the position we are now. But when we talk about common sense, common sense, to me, would have been, yes, we have to have a special convention but is there a way we can get the members there? Can we change some of those things to help the voting status get to that special convention? That's where I think common sense would prevail. Not throwing out the entire idea of the special convention. I think that definitely is wrong.

But we could have done it, or could be doing it in a different way, still have the special convention. We could have done it by Zoom. We could have done all kinds of things to make it accessible. We could have looked at that voting status and made some changes just with that for the special convention.

Those to me are the times where we use common sense, and common sense also should be we should be following the Constitution. I agree with my sisters and brothers when it comes to this, is that I

don't think we should have voted on it last time. I was just following the group, I don't know, but after thinking about it afterwards, yeah, I don't think we should have voted on it.

And another thing, I think that the motion -- I believe the motion that's on the table right now is out of order. I don't think that can happen. So, we might have to ask someone with a little bit more knowledge on the Constitution, but I think that's out of order. That's all I got.

LANA PAYNE: I just want to clarify. We have followed the Constitution in terms of what the interpretation was from Legal Department in terms what the 30 days said. I don't know why we're going through this again right now, Doug. That's what we did. We put out -- the first thing to do was to say that we were going to determine to have a special convention. The next thing was to figure what the date and venue could be, and the logistics of that.

We did have, just so everybody understands here, because it was raised by Doug, we did have the internal team look at the logistics of a virtual convention because that would have made, as everyone says, the most sense. The problem is that there was no way that we could determine the security

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of the vote that would have been occurring. We did not have email addresses for the people that voted in 2019. Can you imagine the challenge we would have had to be able to do that for almost 900 people? Then to create a whole kind of IT system for that kind of voting to be able to occur and to be able to guarantee that the actual delegate is doing the voting and not somebody else. This was not something that we could create overnight, Doug. That's the problem.

And what we would have got into, and I think should be a concern for all of us, is then we get challenged that was that vote done fairly? Did the right people vote? We could have been arguing, you know, for years to come about the outcome of the vote. And, you know, is that something that we want to have, having a kind of crisis going forward around the outcome of an election?

You know, these are things that I think we practically have to consider here in that regard. And I'm going to say to you, I believe in the Constitution too, but this Constitution was not written for this kind of a circumstance. Everybody in this room knows this. It was not. And you can go back and talk to the people who wrote this Constitution, they did not -- this was not what they

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envisioned. That section was written for someone -- you know, whether it was the secretary-treasurer or president, you know, a year into their term. That's why you have something like the 2019 delegates being considered, or the previous constitutional convention delegates, because we all know it would make no practical sense for a special convention so close to a constitutional convention to rely on delegates from three years prior.

In our own minds, we all know that that makes absolutely no sense whatsoever considering the fact that we would be disenfranchising whole swaths of locals from even being able to vote. Isn't anyone here concerned about that?

DOUG CARTER: Just hold a second, though, Lana. First of all, we have votes with thousands of people for contracts, ratification votes, they're secure, so that's nonsense that you can't do that -- you can't -- I don't get that.

LANA PAYNE: But we don't have email addresses or anything. We'd actually have to phone 900 people to get an ability for them to be able to do a secure vote. Otherwise, the link could be shared -- like, this is what our IT -- I'm just telling you.

DOUG CARTER: I disagree with you, Lana.

I'm sorry, but I just disagree with you on that part. And the common-sense part would have been if we would have had this special convention when we were supposed to instead of the position we're in today, we would have had it back then and then we could have looked about how we get the voting status fixed, not make excuses and drag it out so we are weeks and weeks away from a convention.

So, the fact is we're all guilty of letting this happen, everybody is, and some people have been dragging their asses a little bit too long. This should have been dealt with right at the beginning, and then we could have dealt with how we get the voting status and how we make that fair for those people. But the way it's going right now, I'm sorry, I disagree, Sister.

LANA PAYNE: That's fair. That's fair, Brother. Go ahead, Naureen, and then Jenn, the other Jenn.

NAUREEN RIZVI: Thanks, Lana. I think that we need to put a few things in perspective, okay, and everybody is right. With seven weeks to the next convention, I mean, it just sounds ridiculous for us to even do this. But, you know, we're here because we don't have a date earlier than that, but I don't think

we can make a comparison of when we cancelled Canadian Council in 2020 to today.

At that time, we found ourselves in ---

LANA PAYNE: Hang on, Naureen. You've already spoken to this motion, and I'm getting a lot of bad feedback here. I don't know what's going on into my ear. So, I think -- we don't speak a second time to the motion. I think we need to go to Jenn first and make sure that everybody who hasn't spoken to the motion can get a chance and then I'll -- okay. I mean, I know we're not sticklers for rules, but we have people who have got their hand up here. Go ahead, Jenn, and sorry about that Naureen.

JENNIFER MOREAU: Okay. Yeah, sorry, Naureen. So, do we have any idea, like, the letters that we got, like, how many we had for and how many against doing this? So, that was just a question. And then, yeah, I kind of understood that we were stuck with it whether we liked it or not because that's what the rules say even though it would be completely stupid. Like, me, personally, I wouldn't organize a special convention close to a convention.

I just assumed we'd have to do a do-over at the actual convention that would be legit, just to follow the rules. So, yeah, I don't quite -- because

I understand the common sense -- the "common sense" term keeps getting brought up in the letters as well, but I understood that was when the language was unclear, but now people are saying, well, no, but it's also for emergencies or extenuating circumstances.

And then the other comment I had was, like, we're already passed the special convention window anyway, so we're in the - like, if today Jerry Dias said, "I'm retiring today," then we don't have a special convention. So, like, we've already kind of missed it.

And my other question was, well, remind me why, but you kind of spoke to that already. And, yeah, I think this was definitely not what it was originally intended for, so we will have to look at fixing the language but, again, my understanding was we're stuck this until we can get to the convention, in which case we can propose to change the language. So, the call for a special convention, you know, would make more sense in the future moving forward, if that makes sense.

So, in case it's not obvious, I'm kind of torn, but I do think it's kind of crazy to have it right leading up the convention.

LANA PAYNE: Jenn, I can't remember what

your first -- you had a question at the start. Sorry, I'm trying to track of hands and questions.

JENNIFER MOREAU: Yeah, sorry. No, it was a lot of stuff. So, the first one was, how many letters did we get? Like, I've lost track of the letters because every day there's like three or four letters, so how many are for having it, how many were against it? Do we have idea? And I know -- yeah, sorry.

LANA PAYNE: I can get the total for everybody but the vast majority are not to have a special convention, there's no doubt about it. I haven't done an analysis of, you know, the numbers in those locals, but just the Quebec Council resolution alone would give you an indication. I think they had over, I don't know, 200 locals or whatever it was at that convention, I'm not sure. Perhaps Daniel or Yves can clarify what representative was like. And then I think I'm going to go right now to John and not Tullio, even though Tullio's name is on the screen. Go ahead, Brother.

JOHN D'AGNOLO: Yeah, thank you. Thank you. Well, I want to congratulate Daniel, first of all, and welcome to the NEB. I think the language does say 120 days, so if the intent was two years or a

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year, they wouldn't have put 120 days in it. But in saying that, the circumstances are within 30 days we talked about all that. I ain't going to go over that. I think it's important that there were circumstances, and to be quite frank with you, for me, I think the reason why it's been delayed is because we have an election coming up. I think it's political, to be quite frank with you.

I don't think this would have happened if we didn't have this happening, and here we are stuck going back and forth. But we should have absolutely had it. I've been saying that from the beginning, and we should not get away from it. But now that we are at a point where, you're right, we're only a couple of months away, and I can totally see the frustrations from the membership side. I don't need to know how many locals are for and against right now because we'll be seven weeks away you said, and, yeah, I think that will just frustrate people, and we should have gotten this done a lot quicker. That's all I'm going to say about that. So, thank you.

LANA PAYNE: Thanks, John. I think, you know, we have to consider as well, just imagine if we had done this convention and people showed up -- I want you to think about this for a second because this

has been raised by a number of locals, any number of them. You go ahead, you do this whenever you wanted to do it, April or early May, mid-May, whatever the case may be, we haven't figured out who gets to vote, they all show up at a location in Toronto thinking they've got a vote, thinking that they get to vote there, and then they're registering and we tell them, "No, you're not voting."

Like, this is the problem we've got, even going through this with our IT people trying to sort through it. I don't know what kind of system you think we've got on the back end of this. Anyway, I'm not going to get through the technical stuff of it ---

JOHN D'AGNOLO: Yeah, that's all right, Lana. I'm just saying we had to Constitution. At the end of the day, it would have been we would have someone in place, he or she, in that position running the business for that period of time and, unfortunately, that wasn't the case. That's all I'm saying.

LANA PAYNE: Thanks. Thank you, John. I appreciate that. Yves, over to you.

YVES GUÉRETTE:

(in French)

(taken from translation)

Yes, in Quebec, last week, we said why should we not hold a special convention in Quebec where the 2019 convention was held? So, if you were logical, that meeting would be held in Quebec. So, why is it Toronto instead of Quebec City for the special convention? Why did we select Toronto instead of Quebec City? We should hold the special convention where the previous convention was held. That is one of the questions that was raised during Quebec Council.

LANA PAYNE: I'm not sure, Yves. I think it was just because Toronto seemed like a central location and that was what kind of made sense. And I understand what you're saying, if we're supposed to replicate the 2019 vote, that it would have been held in Quebec City. I guess that was the point being made there.

Les, I think you're next, and then Shane, we'll come back to you after the Board members have spoken, if that's okay with you? I see your hand up there. Go ahead, Les.

LES MACDONALD: We had already agreed on having the special convention one way or another, and it is in the Constitution, but I would put in Article 24, Oath of Office, the first thing it says, "Do you

pledge...the duties of your respective offices as required by the Constitution of the Union and to bear true and faithful allegiance," that's part of our thing. Like, we have to go by the Constitution and it hurts, yes, it does because we're running late now. But at least you can tell the members you followed the Constitution to the best of the thing.

Maybe there's changes that have to -- there's definitely changes that have to take place in it, but right now, we have to follow the Constitution that we have before us. And as for the voting, not every delegate that was there in 2019, the locals have to send every delegate, they can send one delegate to Toronto to carry the weight of their local, can they not?

LANA PAYNE: I don't think that that's the way the Constitution reads, according to Anthony's memo that was sent out. But you know what? We're going to get him to come in and clarify that as well.

LES MACDONALD: Well, the reason why I say that is because if you have a delegate that has passed away or retired or gone away, moved somewhere else, the rest of that local would carry the weight of that thing, because you're going to carry the vote on the numbers of people, like Anthony can check into it,

but you would carry -- the number of delegates would carry the number of votes as of 2019 convention, even though they are gone up or down, and it wouldn't be any different.

Like, we'll take WestJet now. WestJet wasn't even a local, so they wouldn't even have had the right to vote in this one, but they'll definitely have a right to vote in August at the constitutional one. So, that's what I'm saying, but I can -- at least if I go by the Constitution and it says that we must hold it, then I'm doing what I was sworn to uphold my oath of office. That's all I've got to say, thank you.

LANA PAYNE: Okay, thank you, Les. Maybe we will go to Shane and then Anthony, does that make sense? Because I don't see any other Board members with their hands up, except the ones that were remaining left up. Shane, over to you, please, thank you.

SHANE WARK: Can you see us? Yeah, okay. Okay, so a number of things I want to comment on. My first comment is this, overall, I think, collectively, we should take a lesson here in what happens when we have delay and indecision in carrying out obligations in our union.

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This issue of local unions emailing and basically raising flags and complaining about whether or not to have a special convention, as each day has passed since Jerry announced his retirement, every day that we have gotten closer and closer to August, I think common sense, that word keeps coming up, common sense would have told all of us that, of course, the number of complaints is going to increase.

And we are now 56 days removed from that vacancy, and there continues to be a discussion about whether or not to go forward with a special convention, and that in itself is a problem. I think the messaging that we have delivered, and I'm going to say "we," I'm not going to focus on -- you know, we'll just talk about us collectively, but the narrative, in my opinion, that we have given to our local unions is we have told them there is a going to be a special convention and we have simultaneously told them that we're not certain there's going to be a special convention or there may not be a special convention. That creates a lot of confusion amongst our locals when we tell them something is going to happen and there is a bunch of delay and then we start to message that that isn't in fact going to happen.

And I want to raise to the Board that

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there was a vote on April the 4th on a recommendation from Lana that came forward to have a special convention, and that recommendation or request was overwhelmingly supported. And then what happened was after that date, a number of Board members, to my knowledge, actually went out and publicly spoke against that very motion, and that causes a problem as well, and we need to recognize that.

When the Board pass a motion and then Board members go out and speak against that motion, that's setting us up for problems, and I would suggest in the future that if there's a discussion that wants to be taken again, just bring yourselves back together as a Board and have that discussion before you start taking public positions.

In terms of the Constitution itself, like, I'll never change my position because it's been the same position I've had since March the 12th. The Constitution required or obligated our union to have a special convention. And the nice thing about it is those obligations are put together, in some cases, to deal with important issues and also take the decision-making pressure off the National Executive Board. It was never a decision that you guys should have been asked to make, because the Constitution was making it

for you.

And the other thing about the Constitution, it doesn't talk about the reasons why the vacancy occurs. It doesn't matter to the Constitution why there is a vacancy in National President. It only matters that there is one, and that a convention should take place in order to fill that vacancy.

But, you know, I want to agree with Keith on a point that he raised about "reasonable". Like, this has gone on so long that I too agree with a number of the comments that we are so close to a constitutional convention now that I think we've left ourselves in a position where many, many local unions can argue that the proximity between a special convention and the regular convention in August makes this whole thing seem unreasonable.

We've also got to say we put ourselves there. That's the only point I'm making, is we put ourselves there. There was a plan that we actually could have had an election to fill the vacancy of National President twice before this meeting today. There was a plan to have one on April 23 and 24, a plan to have one on April 30 and May 1, but that didn't happen. And, again, as each day passes by, I

think locals, rightfully so, are able to make a stronger and stronger case against this special convention.

And now I'm going to speak to -- and by the way, my other position was, at minimum, a call letter had to go out within 30 days, a call letter had to go out within 30 days and that call letter would provide 30 days' notice.

In terms of whether or not these provisions around a special convention make sense or don't make sense to people, I can tell you this, both prior constitutions had special convention provisions that are very, very similar to what we have in the Unifor Constitution, to fill a vacancy in officers' positions that occur outside of a 120-day window in the former CAW Constitution, and I believe a five-month window in CEP. So, people who put this Constitution together had their minds focused, so I don't think this was a fluke, is my point. Both previous constitutions had these provisions.

I want to talk a little bit about some of the things that Daniel raised, and welcome Daniel. You talked about some other decisions that were made by the Board that did not align with the Constitution, and yes, those decisions were made, I remember being

in those meetings, but I want to draw a distinction here. Those decisions were brought about because of a pandemic putting the union in a position where it actually couldn't execute some of those provisions under the Constitution. So, for example, it couldn't hold an in-person meeting to conduct certain actions, and in every case, to my knowledge, when the Board voted to suspend those provisions, because the pandemic prevented them from acting on those provisions, they did so unanimously, which is often a requirement when you are suspending a provision in a bylaw or the Constitution.

And I want to say to Doug I agree with Doug. We can't un-ring the bell, unfortunately. We are where we are, but I do believe that if we just would have said we have to have this because we are compelled to have it by the Constitution, and then focused on the issues that were being brought to us by our local, right, if, for example, they didn't have any delegates from 2019 convention, would we say that that local couldn't participate in the special convention? I don't think so.

So, I think if the mindset would have been, "We're going to have this and we're going to have this as quickly as possible to deal with the

vacancy for National President," and then we would have said what problems arise from having this special convention and focused our attention on fixing those problems, I think it would have worked favourably for our local unions, our members, our National Executive Board and anybody involved in a special election as a candidate.

Finally, and lastly, I just want this comment on this whole common-sense argument, which keeps coming up. In the Constitution, in the Oath of Office, it speaks to if an emergency arises that is not covered by the Constitution or your bylaws that we have to fall to the dictates of common sense. I agree with that a hundred percent. That's what it speaks to.

If there is the absence of a rule or if there is some piece that is -- an emergency comes up - I'll give you an example. Here's an emergency where the dictates of common sense would kick in, in my mind. A local union that has no delegates left from a 2019 convention, there's nothing in the Constitution that would deal with that issue. In my mind, the dictates of common sense would be the Board would put their heads together and come up with a solution so that that local could actually participate in

selecting their National President at a special convention.

So, in any case, the bottom line is we could have, should have executed one. We're at a place right now where even I am troubled by how long it's taken that I don't know how we would look in the eyes of our members and locals, but that's for the Board to figure out, not me in terms voting. I'm just sharing my opinion, and the bottom line is, it was a constitutional requirement, in my view.

LANA PAYNE: Thanks, Shane. I don't know, I think we've got differing opinions on that, but I would say to you -- I mean, what you're pointing out is that we would follow the Constitution on the one hand, but we would allow everybody to vote who are not determined by the Constitution that they could vote. You know, I think we need to think about that positioning there, that we would follow it on one hand and then on the hand we'd say, oh, yeah, we're not going to follow it based on what it dictates around the credentials for 2019.

In any case, Gavin over to you, and I'll probably bring Anthony in at the end of this to clarify some of this too.

GAVIN MCGARRIGLE: I had some questions.

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I see Guy is the seconder of the motion, but I want some clarification, maybe he can speak to it just in terms of I agree with everything that Daniel said and the way his motion was phrased, and Yves kind of said, you know, a different motion and perhaps there's a text of the motion that could be sent, because I think transparency, as to explaining to our members why we took this decision, if it's carried, is important.

I think the preamble that Daniel read out is extremely important, because we've tried our best to maintain confidentiality through this and we have answered in bits and pieces as it's come out, and some of the bits and pieces have been distorted. And I don't think it's appropriate to hide behind any confidentiality. I think the full story needs to be out there.

As to why, what we've gone through in the last number of months, Daniel spoke about when and how Lana made the call for the convention, each step of the timeline, I think, is critical.

I don't agree with Shane's interpretation of the Constitution. There's very clear language on the Canada Council. We could have held one virtually. We did, in fact, hold a Prairie Council virtually and conducted full elections, so it

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would have been possible to do that. We didn't hold a B.C. Council directly, and I spoke directly with Shane about that and the need to have a resolution on that because of the strict language of the Constitution.

And, yes, COVID is an extraordinary and unprecedented event and that's why we took the actions we did, using the dictates of common sense. Many of you voted on all of those resolutions, and whether or not they were unanimous or not, the Constitution is also crystal clear on what it takes to make a National Executive Board decision. Under Article 7.B.2 it says, "The National Executive Board shall make decisions by majority vote." Period. So, yes, it's great if we can get consensus, and obviously the last few months have been troubling as consensus seems to be getting more and more away from us, but, ultimately, we will make decisions by majority vote.

And I think just like normal, we'll go to the convention in August, and we'll all have to stand in front of our members and we will have to be judged by our members. So, whether we make the right decision or the wrong decision, ultimately, will be determined by our members come August, the 2022 members, the freshly elected members, the ones who are actual delegates, full complements if they want to

send them.

And I don't think you can say that we can't deviate from the Constitution at all and then say but we're going to modify the very strict language that talks about who are the exact delegates of the 2019. Either you can modify using the bounds of common sense in extraordinary and unprecedented circumstances, or you can't.

We have a written track record, in my view, of doing that for very good reasons. There has never been anything like a president under investigation, under police investigation, with assistants involved, with endorsements moving forward, being moved and seconded to be taken back with all of the uproar. I've never seen, in all the years I've been around, such an uproar in terms of the members and the locals making all these points.

I thoroughly reject any argument that Lana ragged the puck in any way, or deliberately delayed. I think there are very good, reasonable reasons as to why things turned out the way they are. But, look, at the end of the day, if I can get some clarification, perhaps request text sent to everyone so that we are clear what we are ultimately voting on? I support the resolution, and I believe that, you

know, we can deal with questions that are raised at the constitutional convention in August with the fresh delegates and that will be the most democratic decision of all.

LANA PAYNE: Okay, Gavin, thank you. Guy, over to you. And, Keith, I think you've already spoke on this motion, so I'm not going to be able to come back to you, Brother, same as Naureen did earlier. So, I can't make an excuse for you even though you are the president of my local. Go ahead, Guy.

GUY DESFORGES: Yeah, actually Gavin did touch on what I was going to be asking. So as the seconder, I was seconding Daniel's text, right? So, I just want to make sure that if Yves, your intent was that you agree with the motion that was tabled by Daniel and if we can ---

DANIEL CLOUTIER:

(in French)

(taken from translation)

I could re-read the motion if you want. Lana, is that okay? Can I re-read it? Just the motion.

INTERPRETER: Can you not hear us, Lana?

LANA PAYNE: I'm sorry. I was getting

some feedback there. Go ahead.

INTERPRETER: Yes, Brother, we are listening.

DANIEL CLOUTIER:

(in French)

(taken from translation)

So, I will just re-read the motion.

WHEREAS there are unprecedented and exceptional circumstances following the resignation of Jerry Dias while he was under investigation after we had called the statutory convention on March 11, 2022;

WHEREAS in accordance with NEB resolutions interpreting the Uniform Constitution in extraordinary and unprecedented circumstances;

WHEREAS the NEB will abide by the dictates of common sense;

THEREFORE BE IT RESOLVED that the NEB reconsider its decision on April 2022;

THAT the special convention will be cancelled;

THAT we advise all locals that the

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statutory convention will be held
and that all locals with a copy of
the preamble and the motion itself.

GUY DESFORGES: Thank you, Yves.

LANA PAYNE: Guy, is that it for you?

Can we have a discussion right now on -- okay, Linda.
Thank you, sister, for pointing this out, that we can
speak twice as long as new people get to speak. Okay.
Do we have a kind of consensus here from the group
that we do that? We move to Naureen and then Keith?
Does that make good sense? Okay, everyone is nodding.
Thank you, Linda.

And, secondly, Shane has put something
in the chat there, and I'm not able to read all of
that right now as I'm chairing, so can someone also
make a note of that. So, who did I say? Naureen,
sis, back to you and then Keith.

NAUREEN RIZVI: I'm good. Thank you.

LANA PAYNE: Okay. Keith, back to you.

KEITH SULLIVAN: And same here. I think
we're good here, thank you.

LANA PAYNE: Okay. Anthony, did you
want to come in on any of these points? And there's a
point in the chat here that I think we need to get
clarified before we do anything here. Shane's point,

"Majority vote on regular motions is different than motions to suspend mandatory provisions of constitutions or bylaws so can we actually have this explained before we do anything else, please? I think it's only the Constitution that provides for a vote by majority, but I'm not really sure so someone needs to make sure we get this right."

Anthony?

ANTHONY DALE: Yes, here I am. Just let me test these new headphones that somebody sent to me. Lana, I'm going to just say a couple of things and I'll try and confine my comments to comments that will be helpful and constructive and try and stay away from perhaps a larger controversy.

The Board has my memo, April 25th, in which I outline my view of the provisions about delegates and voting. Certainly, on the delegate selection, having conferred with Francophones and comparing the language of the two texts of the Constitution, there's a firm view that the delegates are the same and there cannot be new delegates. So, that is clear from the Constitution.

And then on the question of the voting by delegates, as I did on the last day of the April meeting, I just flagged that the text of the

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Constitution in both English and French appears not to be consistent with a practice that was suggested exists, and so, I made a recommendation about a safe approach, and if you're going to do a different approach in terms of the way in which votes are weighted at any special convention that may occur, I just urge you to make decisions about that in advance so that there is some clarity.

One of the issues about delegates to A special convention, if there is to be one, I know I'm not speaking to the motion. I don't think that you're asking me to. One of the considerations about delegates to a special convention is that it may well be -- and I had sort of a mental list of some issues that perhaps also would need to be resolved, and that would include, for example, whether NEB members who were not 2019 delegates somehow have a way of being delegates that may well be that on the language of the Constitution, there are present NEB members who would not be entitled to be delegates to a special convention. So, that was my April memo.

On the subject matter that is before the Board now, I'm not going to express a view as to whether the Board can decide that there should not be special convention. It's not a question that I was

asked to consider prior to the meeting, and it seems to me that an answer to that flowing from your experience with the Canada Council, and so on, would require, as with these other issues in the April memo, would require a consideration of the text of the Constitution in both languages, because while the requirement to call a special convention in 7A5 certainly does seem to be mandatory, I think my understanding of the French text is that it's perhaps less mandatory or less clearly mandatory. And in the case of the -- similarly, in the cases of the Canada Council language, there would be discrepancies, I think, between the English and the French text. So, it's far from clear what the answer would be, but it's not a question I came to answer.

I'll disagree, though, with Shane about the suggestion that a special convention had to happen, had to be called within 30 days and then happen within 30 days. I'll just refer you to the opinion I expressed in April. Something had to happen within 30 days, but the special convention didn't have to then happen. It didn't have to happen within 30 days of the vacancy, and didn't have to happen within 30 days of a decision that there should be a special convention, and I set out my view on that at the April

meeting.

Lana, you will tell me if that has addressed the issues that you wanted me to?

LANA PAYNE: Great, thanks, Anthony. Jenn Moreau, you had your hand up earlier and we're, according to Linda, allowing people to speak a second time. Did you want to come in here before we take care of this?

JENN MOREAU: I'm good. I think it would just be redundant at this point, because I think people already spoke to some of the things I was thinking.

LANA PAYNE: Okay, great. So, is everyone clear what the motion is and what's being voted on right now? Yes. Les, go ahead, Brother.

LES MACDONALD: Just a clarification with Anthony. Does the Constitution say that we must call a convention, a special convention, yes or no?

ANTHONY DALE: The English text certainly does use the word "must."

LES MACDONALD: Thank you.

LANA PAYNE: Okay. Everyone ready now?

LINDA MACNEIL: Sorry, Lana.

LANA PAYNE: Go ahead, Sister Linda.

LINDA MACNEIL: I didn't put my hand up,

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but I just want to be on record that I'm abstaining from the vote for the minutes of the NEB.

LANA PAYNE: Go ahead, Sister Naureen.

NAUREEN RIZVI: Lana, do we need a reconsideration vote, because we've already voted on this first?

LANA PAYNE: My understanding, and I'm only listening, is that not part of this motion right now, the first part? Or do you want to do this in two parts? I don't know. I think it's already part of this motion that was read out, Naureen.

NAUREEN RIZVI: Yeah. No, I'm just saying do you need to have two-thirds vote, then, for reconsideration, is what I'm asking.

LANA PAYNE: My understanding is that is not in the Constitution, but somebody could clarify this for me. I'm happy to have anyone come in for this. Shane put it in the chat first, but did not speak to it. And I mentioned it by I don't think Anthony responded to it either.

NAUREEN RIZVI: What about Les our parliamentarian?

LANA PAYNE: I think we should have -- listen, how about this Naureen, because I think it's an important point. Why don't we take a five-minute

break and maybe have Shane, Anthony confer on this, because the motion I think said to -- it was all included in the one motion, and I think what you would be saying is that there would be two? I'm not sure what the point is there.

NAUREEN RIZVI: Well, because we just went through this at ORC and we could do it this way. We had to first do a reconsideration at two-thirds and then do another motion at simple majority. So, to change a rule, I think that that's what it was, unless it was unanimous. Shane helped us through that one. I don't know. Where is Shane?

LES MACDONALD: I'll answer my opinion.

LANA PAYNE: Go ahead, Les. When you're chairing a meeting or anything or you have a motion on the books that we're going to have a special convention, if you want to change that, you must rescind the previous motion and it must carry by two-thirds.

Anthony and Shane can correct me on that, but I know if you have a motion that's on the books, on the floor, passed at the membership meeting, in order to rescind that years down the road, you need two-thirds majority to rescind it. Something like your bylaws.

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LANA PAYNE: Okay. So, what I'm going to suggest is perhaps - because we want to get that right, Les and Naureen, I think that's a very valid point, perhaps we can take a five -- why don't we say 10-minute break. Can we have Anthony and Shane discuss this and come back and figure out whether we actually need to do two motions. Like, what is it we got to do right here to make sure we're getting this right? Does that make good sense with people? Okay, thank you very much. You can turn off your cameras. We'll be back as soon as possible.

--- Whereupon the meeting was in recess
from 1:43 p.m. to 2:14 p.m.

LANA PAYNE: Hi everyone. We're just waiting for everyone to get back, so just hold on for a second or two. Okay, so can we have a -- there's something from Anthony and Shane here around what the Constitution says.

ANTHONY DALE: Are you there, Shane?

LANA PAYNE: I'm not sure if they're back yet, just hang on.

SHANE WARK: Yeah, we're here.

LANA PAYNE: Okay.

ANTHONY DALE: Let me go ahead, Shane, just briefly. I thought that there was another reference in the Constitution to one of the standard sets of rules for meetings, but there isn't. And so, the only rule that you have in the Constitution is in Article 7.B.2, which says, in English, "The National Executive Board shall make decisions by majority vote. Each member has one vote."

So, I think that Shane and I have an agreement that that's sufficiently worded to capture all of the kinds of decisions that the Board might be called on to make, and it's broad enough to include motions to rescind a previous motion or motions to reconsider a previous motion. So, it appears to be a majority vote because no different rule is provided in the Constitution.

LANA PAYNE: Les, are you good with that now, Brother?

LES MACDONALD: Yeah, that explains it, but in a regular meeting, it would take two thirds majority, but ---

LANA PAYNE: That's correct.

LES MACDONALD: --- it doesn't state that in the Constitution, so I'm happy with it. Thank you.

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SHANE WARK: Yeah, Les, just to clarify, you're correct because we require our local unions to use *Bourinot's Rules* for parliamentary procedure.

LES MACDONALD: Yes.

SHANE WARK: Okay.

LES MACDONALD: Thank you.

LANA PAYNE: And Shane, I think for councils as well.

SHANE WARK: We use Unifor rules for councils.

LANA PAYNE: Oh.

SHANE WARK: Which covers the two third rule, by the way. It's in there.

LANA PAYNE: Okay.

LES MACDONALD: Yeah, thank you.

LANA PAYNE: Okay, so we're all good now? And I think we have, just to be clear, Linda is abstaining from the vote, and Dave voted earlier in the text. Are people okay to accept that vote even though he left before we were finished? Yeah, Shinade, go ahead, Sister, you have your hand up.

SHINADE ALLDER: Hi. I just want to say that I'm going to abstain from voting as well. I believe, you know, we said uphold the Constitution, so I am abstaining.

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LANA PAYNE: Okay, anyone else abstaining here as well? Naureen, go ahead, sis.

NAUREEN RIZVI: Lana, I just -- you know, I think that you probably have the majority to pass this. It doesn't make sense, but myself, I just feel like I cannot vote against what the Constitution said, so I'm not going to block it, but I'm going to abstain from it.

LANA PAYNE: Okay, thanks, sis. I appreciate that. Doug, over to you, Brother.

DOUG CARTER: I also will abstain from the vote, thank you.

LANA PAYNE: Tullio, over to you.

TULLIO DIPONTI: Lana, I will abstain based on what I said earlier. I believe in the Constitution, and I also believe in the membership. Anyways, I will abstain. John is here too.

JOHN D'AGNOLO: Same with me, Lana.

LANA PAYNE: Thank you, John. Tammy, over to you, sis.

TAMMY MOORE: Thank you, Lana. I will be abstaining as well, thanks.

LANA PAYNE: Okay, thank you. Any other abstentions? Okay.

Abstentions: Linda MacNeil, Shinade

Allder, Naureen Rizvi, Doug Carter,
Tullio DiPonti, John D'Agnolo, Tammy
Moore

All those in favour?

(favouring votes shown)

LANA PAYNE: So, I'm going to take a
list here so that we've got this proper. Keith, Matt,
Marc, Yves, Jenn, Guy, Ruth, Dana, Gavin, Leanne,
Daniel. Did I miss anybody there? Gord. Okay.

Down. Opposed, if any?

(opposing votes shown)

Les MacDonald.

Okay. Motion carried.

Carried.

CARRIED.

And we'll make sure all of that is
recorded properly.

Can we move on to the next item on the
agenda if folks are ready to do that or do you need a
break? We're good to carry on? Great, thanks.

CONSTITUTIONAL AMENDMENTS AND RESOLUTIONS

Article 6.A.1, 6.C.1, 6.C.3

LANA PAYNE: Shane Wark, can I turn this
over to you now to start going through the list of
constitutional changes, and then I can go through my

two when you're done? Does that work for you?

SHANE WARK: Yes.

LANA PAYNE: Okay.

SHANE WARK: That's fine.

LANA PAYNE: Everybody, do you have your documents in front of you? Because I think it's important that you're following along, and if you have your constitutional document as well, your Constitution, that might be helpful, but I think, Shane, you'll provide some explanations as you're going through, so I'm pretty sure if people don't have their Constitution they'll be able to still follow along. So, over to you.

SHANE WARK: Okay, thank you.

LANA PAYNE: And also, did you want to do each one individually, Shane, or do you want to do them in a block or a combination of both?

SHANE WARK: I'm going to do -- I don't know if you guys have them printed in colour print, but what you'll see is there are colour blocks. So, the first three rows are blue, I'd like to deal with them all at the same time. The next two rows are orange and I'll deal with them as a block, and then each row after that is its own item.

LANA PAYNE: Everyone got that? We're

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going to do the first three, the second two, and then every other one individually. Okay, go ahead, Shane.

SHANE WARK: Okay, so the proposed amendment in the blue is to attempt to address the issue that occurred when the notice of -- the call letter for constitutional convention went out on the same day as a notice of retirement went out, which just dealt with that whole special convention scenario we just went through.

So, this would be a proposal to align the call letter of the constitutional convention with the vacancy period so that they would both be 120 days, not having one at 150 days and the other at 120 days. And to do this, though, it would mean that we basically move the call letter for constitutional convention from 150 days to 120 days. That would mean we would change the requirement for locals to submit constitutional amendments and resolutions from 90 days to 60 days in advance of the convention, and then the requirement for the National Officers to return those to local unions 60 days in advance of the constitutional convention would be changed to 30.

So, we're just moving everything 30 days closer so that the two periods, the vacancy period for a National Officer and the call letter for a

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constitutional convention align. I think this is a very straightforward, but if there is any questions or concerns.

LANA PAYNE: That's great, Shane.

Thanks for that. Any questions or concerns? I guess the only question would be, why would we not go to the 150 for both, instead of the 120, giving locals more time to consider resolutions? That would be one question, and I think you probably have an answer for that. And Les, over to you, Brother.

LES MACDONALD: I just -- on the resolutions from 90 days to 60 days, would it give enough time for the resolutions to be printed up and sent out to the locals? And also, for the printing of the books for convention or council?

LANA PAYNE: I think it makes it ---

LES MACDONALD: Does the staff have enough time to -- would they have enough time to handle all that?

LANA PAYNE: I think it makes it a little tight getting it back to locals, but I think Shane would probably agree with me that eventually in future, all of this stuff is going to be available on people's phones, so the actual printing of all of these documents are probably not going to be as much

of a consideration going forward.

Obviously, for this convention and maybe the next one, but in future, I think we all agree that we're not going to have these massive booklets that will need to be printed. But Shane, do you want to address Les' concern there in terms of the time for locals to be able to consider here?

SHANE WARK: Well, from what I understand, this should still be doable without any problems. I've actually heard the opposite complaint more often, Les, which is, you know, us putting out a call letter essentially five months in advance of the event that we're going to hold and then locals having to have them, we're dealing with it right now, right? The constitutional convention is not until August, but locals are required to have things to us by May 10th, right? And the notice requirement is at 120 days, it's not like you couldn't give more. The point was to align it, like I said.

Of course, option two would be to change the vacancy period to 150 days, but like I said, the feedback that I got was that putting the call letter out that far in advance of a constitutional convention has been more of an issue than, you know, moving it closer to a constitutional convention. And Katha's

got a comment too.

KATHA FORTIER: Yeah, thanks. Just as the staff person on the Constitutional Committee last constitutional convention assisting that group, I could tell you the 90-day, you know, window, a lot of locals had a hard time getting their ---

SHANE WARK: Yeah.

KATHA FORTIER: --- getting their resolutions in that far in advance. It was very problematic. Then they tried to send them as emergency resolutions, they're not really emergency resolutions. I just think it gives them a bit more time to turn it around.

And, you know, quite frankly, you know, we owe it to the locals to have the resolutions, but I think 30 days to have them to the locals rather than 60 days makes a lot more sense. We spend that window of time if you remember, sometimes we get some resolutions that are similar in nature, so we see if we can try to combine them and make it into one resolution so it's easier on the convention delegates, but it still gives us that time to do it. It just gives locals a bit more time and, again, they'd still have a full 30 days to review the resolutions before convention.

LES MACDONALD: Yeah, okay, I'm not opposed to any of this, I think it's great, especially the 90 to 60. I was just curious of whether or not we're swamping the staff of getting it done. That's all. That was all my question was. Like, I'm in favour of the change.

KATHA FORTIER: Yeah, and it hasn't been a problem, Les.

LES MACDONALD: Yeah.

KATHA FORTIER: It's been okay.

LES MACDONALD: So, in other words, when you send it out to the local, it won't be a hard copy, it'll just be electronic and they can do whatever they want with it, right?

LANA PAYNE: Yeah, I think that's what we're moving towards anyway, and I think I agree with Katha's point that the other thing, Katha, you'll notice is because it goes out early, and as Shane has said, it doesn't stop us from sending out, you know, save the date things for locals so that they're able to, you know, get their flights booked to do all of that sort of thing around the convention.

The call letter itself is something different, and then, of course, we're always reminding locals because the call letter goes out so early, we

often bombard locals with reminders around the deadline for the resolutions, just because, you know, so much time has passed, and they may end up forgetting that they actually have to send them in.

So, I think we're on reminder number two or three now, so I think that that all contributes to the arguments that Shane and Katha are making there. Daniel, over to you.

DANIEL CLOUTIER:

(in French)

(taken from translation)

Thank you. A quick question about the 30 days. Well, seeing as the convention is held in the summer, 30 days ahead of time would be July. I would say that gives us time to review these resolutions, but you know, during the summer months, local officers may be on holidays, they may not be able to convene meetings. Will 30 days be adequate, I wonder?

LANA PAYNE: Here's a suggestion, we can always change it, see how it works. If we get a lot of complaints, this could be something that can be reviewed. Obviously, you know, that happens with the Constitution. We end up with a chance every three years to look at these things. So, I think we can

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probably go ahead with these three recommendations, and if we find that it's causing a problem down the road, then we can revisit it.

Secondly, I think one of the things that we've tried to do, not so much, I don't think, constitutional convention, but we are looking at trying to -- I think there was because of COVID, we ended up having to book Canada Council in a September month. So, we'll be able to see, you know, how that works out too. I'll just throw that in so that it's not actually in the middle of the summer.

I think we're ready for the vote here, Shane. There are no more questions. On the proposal to change Section 6(a)(1), 6(c)(1), and 6(c)(3) as proposed by Shane:

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

Carried.

CARRIED.

And just to reiterate what happens here is these constitutional amendments will come from the National Executive Board to the convention. Obviously, we submit it to the Constitutional Committee that will present these, and in all

likelihood that committee, because they're coming from the Board, will give these a concurrence recommendation, but that's not to predetermine what that committee will do. Okay, Shane, over to you for the next two.

Article 8.E.1

SHANE WARK: Thanks, Lana. Okay, so for the next two, I just want to the Board to obviously be aware I have it listed under the category "National Executive Board, vote required" meaning, you know, that it goes to convention and gets voted on.

I don't really think that needs to happen for these, and I'll explain why, because they're just updates. The only reason I have it in this category is because my records show from the previous constitutional conventions, we actually had our delegates vote on it to confirm it. But these changes are necessary changes to the Constitution because there's a requirement for us to update the date in 8.E.1 to align with the new dates of the Constitution.

And the second one is just to update the salaries, right, because the salaries have increased since the last constitutional convention, so it's just

they have to update the numbers to reflect the changes and the increases that were applied over the life of this current convention. So, that's all this is, is updating the salaries and the date identified in 8.E.1.

LANA PAYNE: That's great. Any questions on that from the Board? Okay, we'll call the vote.

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

Carried.

CARRIED.

Article 9.8

LANA PAYNE: That's great. Okay, Shane, we're all good, all approved. Over to your next one, 9.8.

SHANE WARK: Okay, let me explain 9.8. This is more of bringing clarity to the Constitution. For convention, there is this language that speaks to how the delegate entitlement and voting strength is calculated. And for convention, it's calculated in the calendar year before the year that the constitutional convention takes place.

For Canadian Council, there is zero language on this. None. But when we put the call letters out for Canadian Council, we have used this language to tell local unions how we're calculating their delegate entitlement for a Canadian Council.

So, all the Constitutional Department is proposing is to take the practice that we have had established in our call letters, and make it mirror the language that it exists for convention and insert it into section 9.8 of the Constitution, which is the section that talks to Canadian Council delegate entitlement.

It doesn't change anything we do, it doesn't change any of our practice, it doesn't change the content of the call letters that go out to local unions for Canadian Council, it's just to make it clear, constitutionally, that this is how the National Union is calculating delegate entitlement for a Canadian Council.

LANA PAYNE: And I think we're doing it this way now anyway, Shane, correct? That would be the practice that we're doing in any case.

SHANE WARK: Correct. I went in just to verify it. I looked at past Canadian Council call letters, and that was identified in the call letter.

LANA PAYNE: That's great, and I think that this is good. It just got missed in the first Constitution. No questions on this one? That's great, thank you very much.

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

Carried.

CARRIED.

That's great, okay, all approved. Back to you, Shane Wark.

Article 12.3

SHANE WARK: Okay. This next one is the same concept. It's just intended to clarify the language in the Constitution. It doesn't change anything in terms of the application of the Constitution, and I think Les can appreciate this, and I know Barb Dolan and our Constitutional Department does.

We often get retirees that will read the current language where it says, a retired member cannot run for -- it says they can vote in their executive elections; they cannot run for local union executive officer. So, we have to explain that, and

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this is to make it clear. You can vote for but cannot run for local union executive office.

The second piece is it says in the Constitution you cannot vote in elections for workplace representatives, and as Les knows, clearly a retiree is not even in the bargaining unit anymore, so they also cannot run for a workplace position, but they will say to the Constitutional Department, well, it doesn't say I can't run, it only says I can't vote. And again, so this is just to clarify, make 100 per cent clear to our tangly retirees of what they can and can't do in terms of voting and running. Les, I can see you supporting on this for sure.

LANA PAYNE: Shane, I just want you to know that the two Newfoundlanders on the call had a good laugh at the tangly word too. Over to you, Les. Did you want to come in here on this?

LES MACDONALD: I agree 100 per cent. Makes it clear.

LANA PAYNE: So, I think we've got good support there for that, Shane Wark.

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

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Carried.

CARRIED.

No one would dare oppose this after Les telling you that he needed it, right? Okay, that's great. All approved, Shane. Back to you.

Article 15.B.6

SHANE WARK: Okay, the next one is 15.B.6. In the Constitution, there is a provision that allows a local union to have in their bylaws a provision that prohibits a member from running for executive office until they establish a certain amount of good standing in the local to a maximum of one year.

So, we have a number of local unions that say in order to run, you have to be a member in good standing in the local for one continuous year, which is fine. That's compliant with the Constitution. What this proposal is to make clear is that, obviously, that would not apply in the case of a newly certified local union, WestJet as an example, it would obviously make no sense to have a provision that says you can't run until you establish one year in good standing in a newly certified local because you wouldn't have anybody eligible to run. So, it's meant to correct that.

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And the second part is we're making it clear that that only applies to local union executive officers. We have some local unions that have been applying that to workplace representatives, but the Constitution only speaks to the one-year rule applying to those that are seeking to run for a local union executive officer position. So, these again just clarifications.

LANA PAYNE: Great, any questions on that? Not seeing any here, Shane.

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

Carried.

CARRIED.

Okay. All good, Shane Wark. All approved, back to you.

Article 15.C.19

SHANE WARK: Okay, the next one, 15.C.19, and I'm going to say that I hope to hear back from the local union presidents on this to get your feedback on this proposed amendment. Let me explain.

Under the Constitution right now, it says all vacancies in local union office must be

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filled promptly by election. We have a policy, our local union election policy, that says all vacancies in local union office except local union president must be filled promptly, and if the local union president office becomes vacant, it's the vice president that fills in for the balance of the unexpired term.

And this is the position that in talking to Josephine, our director now, Gary Beck, the director of the department before Josephine, and Rick Garant, the director of the department before Gary Beck, all of them have used the policy to guide their interpretation of the Constitution.

So, when there has been a vacancy in the office of local union president, they have instructed local unions that it's the vice president that fills in for the balance of the unexpired term. So, this proposed amendment is to align the policy with the Constitution.

I think Local 2002, Tammy Moore, this was something that we got into a bit of a back and forth with 2002 on this policy rule.

TAMMY MOORE: No doubt.

LANA PAYNE: Tammy, do you want to come in here and -- yeah, okay, go ahead.

TAMMY MOORE: Well, I think it was before I actually ran for president when they put the interim election up, but yeah, we had a president out on sick leave for eight months, and the executive vice president was the acting president, and then the president ended up retiring, so then an actual election was called.

So, I don't know what all went on behind the scenes before I got elected, but that was kind of the lead up to it, which I assume was some of the back and forth with the local.

LANA PAYNE: That's great. Thanks, Tammy, and I think Les and -- Shane did you want to respond to that first and then we'll bring in ---

SHANE WARK: Yeah.

LANA PAYNE: --- Les and Tullio?

SHANE WARK: I just wanted to come in there and respond to Tammy's comments. What happened in 2002 is exactly what she described, but they had a bylaw that said if the vacancy occurs more than one year from the end of the unexpired term, that under their bylaws, they were required to have the election for local union president, and the Constitutional Department said the application of the policy is that the VP is to fill in for the balance of the unexpired

term.

So, we've had this come up on a number of occasions, which is why the department was really looking for guidance from the National Executive Board on this proposal.

LANA PAYNE: That's great. Okay, Les and then Tullio.

LES MACDONALD: Well, you just probably took out about four or five challenges from 222 on that one. So, the Constitutional Department won't be as busy, that's all I got to say about that. It's about time that it's clarified.

SHANE WARK: 100 per cent.

LES MACDONALD: Thank you.

LANA PAYNE: I think this might have -- we can put 222 in brackets around this one, Shane. What do you think? Tullio, over to you.

TULLIO DIPONTI: Thanks, Lana. Maybe I'm -- Shane might have explained it already. So, our bylaws clearly say that if the president vacates his position within six months of the next election, then you must hold an election for the presidency. Is that the same? Ours is six months. So, I'm asking that question, like ---

SHANE WARK: Yeah.

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TULLIO DIPONTI: --- we have to change our bylaws or what are we doing?

SHANE WARK: That's what this would mean, yes. But the department would argue that you should have changed your bylaws already because it didn't comply with this policy. But we always say we're not the constitution police, we don't go standing out on the road with a radar gun looking for violations. We just deal with what comes our way.

So, if that's how your -- by the way, I'll just say, Tullio, why we have it for this discussion too, is we have had examples where local unions, a vacancy occurs a month after, and they say "we're having an election" and if somebody challenges it, that's fine, but we're having an election.

And we've also had a scenario where, you know, the VP fills in and the VP has come back and said I don't want that position, point blank. They've said listen, I ran for VP, I didn't run for president. So, at this rule has actually created a number of different scenarios, you know, constitutionally, and maybe the solution here is what we talked about on an earlier one.

We put this forward, maybe convention, you know, which is populated almost entirely by local

unions, they may not like this, and they may challenge it, shoot it down, but it'll be their decision, but if it does get passed, we'll have three more years to determine if this change at least is better than what we're dealing with now.

To Les' point, we -- the department has gotten a number of -- a number of appeals on the application of this rule, so we're just trying to clean it up, that's all. Just trying to clean it up.

TULLIO DIPONTI: I'm good with it.

Thank you.

LANA PAYNE: Tullio, did John have a response in there too? I heard him. John, did you want to come in on this one? No? Yes?

JOHN D'AGNOLO: No, no, I agree with it. We have people that go to staff that's a president, goes to staff and you've got to fill the spot, but yeah. No, I agree with it. We've got to have some language in there to make sure that we dot the Is and cross the Ts for sure.

LANA PAYNE: Okay, great. Thank you, John. Linda, over to you.

LINDA MACNEIL: Don't shoot me for asking this, Shane, because I'm not -- forget about 222 right now, but if a local -- so, this language, it

wasn't there. So, the locals that had bylaws, like Tullio mentioned about the six months, you were saying those that had that bylaw were in violation of the Constitution? Maybe I misunderstood there, sorry.

SHANE WARK: In the view of the department, yes. Yes, they would have been in violation of the election policy, which is cited in the Constitution as you know, right? The Constitution makes reference to a local union election policy, and that's a policy that's actually adopted and voted on by this Board. So, the department, you know, really requires the local unions to comply with it, but also as I said, believe me on this, there's enough work in that department; we don't go chasing things down, right?

We tell every local union, this is what you need to do to update your bylaws. If they choose not to, we tell them, you know, here's your warning then, you could open yourself up to an appeal, but we don't go soliciting appeals. So, if it comes our way, we deal with it, but I'd say they'd be non-compliant in short, yeah.

LANA PAYNE: You good, Linda? Yeah.
Tullio, did you have another question, Brother?

TULLIO DIPONTI: No, no, just to answer

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Shane there, our bylaws were updated when we formed Unifor, and nobody said a word to me about that then, so we thought we were in compliance.

SHANE WARK: Yeah, understood.

LANA PAYNE: Great. Any more discussion on this? I think we're all clear. Okay, good.

LANA PAYNE:

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

Carried.

CARRIED.

Awesome, okay. Back to you, Shane Wark.

Article 16.15

SHANE WARK: This next one, 16.15, I'm going to actually just skip over because I think, Lana, you have a proposal in on rebalancing the union dues. I'm just letting you know, this one came in from the National Department about how we don't have dedicated funding for recreational activities. So, I just said I'd put it forward, but deal with it in your proposal. I'll skip it for now.

LANA PAYNE: Yeah, my response to that would be is that recreational activities come out of

the General Fund, but go ahead, Brother.

SHANE WARK: Answered, done.

Article 17.C.5

SHANE WARK: Okay, 17.C.5. This came from the Strike and Defence Department. I met with Barb Dolan on this. What she pointed out was under the Constitution, the language in the Constitution is different than the language in the Strike and Defence Fund policy, and in her view, the language in the Strike and Defence Fund policy is clearer than it is in the Constitution.

Again, this is not a matter of changing how we administer the fund. It doesn't change any practice that we have as a union. It is to make clear that the benefit payments cease on the individual member's return-to-work day, and obviously, not to exceed 28 days following a ratification date.

And so, as an example, if we have a work dispute, a strike or a lockout, and there's a ratification, and the member returns to work the next day, their benefits cease the next day. If we have a member that doesn't return to work for a week after the resolution of the strike or the lockout, their benefits continue for another week until their

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individual return to work date.

And then if we have a member that doesn't return to work until 35 days after the strike has been resolved, their maximum payment ends at day 28, exactly how we've been doing it, but Barb was adamant that having the language say "individual member's return to work date" is much clearer than what we say in the current Constitution, which speaks to the local union or bargaining unit as a whole return to work date. It seems that people were trying to manipulate that a bit.

LANA PAYNE: That's great. And Shane, if I could just add to that, it also, you know, makes it clear in the fact that we have people returning to work at different points of time, which is why it's really important. So, the return-to-work date may be two days after the strike is settled, and really, our policy allows for up to 28 days' pay after that based on the individual members, as Shane is pointing out, return to work date.

So, we did end up with some issues around this and I agree with this proposal. I think it's a very good one to clarify for our members because previously, the Constitution didn't even say they were entitled to those 28 days of additional

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strike pay. Shane, did you have another point or you're good? Good?

SHANE WARK: Just one point. Here's an example of an argument that was being made to the Strike and Defence Fund Department, was a ratification takes place today that ends a strike or a lockout, my return-to-work date is tomorrow, but not all of the bargaining unit is returning to work tomorrow, only a small group, and that small group that returns says I'm still entitled to strike pay for at least another 28 days until the entire bargaining unit is back to work. That's what I meant with ---

LANA PAYNE: Yeah.

SHANE WARK: --- people trying to kind of manipulate a bit.

LANA PAYNE: Yeah, so this is good. Any questions from the Board? Looks like we're all good. Okay,

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

Carried.

CARRIED.

Thank you very much. Shane Wark, back to you.

CONSTITUTIONAL UPDATES

SHANE WARK: Okay, the very last few items I wanted to talk about, it's under a category that says, "no vote required", but that's just a position or an opinion I have, but I believe it'll be supported by the Board.

I clearly don't believe we need a convention to vote to correct typos in the Constitution, and we've noticed a few and we want to get those fixed up. We don't need the convention to approve formatting issues that we've noticed that need to be corrected. And I've got here language clean up, and I did a brief search through the Constitution, and it's important, consistency of wording is very important, and I made this note here.

The Constitution makes two references to "National President", it makes 18 references to "Office of the National President", it makes seven references to "President of the National Union", and it makes about 100 references, I stopped counting I think on that one, to "President". It's all referring to the same position, but the Constitution calls that position four different things over the course of 141 references in the Constitution.

And that's just one example I want the

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Board to know, that there's other examples like that in the Constitution where there's a reference made to a thing or an action or a position and it's called different -- it's got different titles to it depending on where you are in the Constitution.

The department really wants us to have this cleaned up. Again, they took the position, which I agree with. I don't know that we need convention support to do this type of language clean up, but I'll leave that for you to decide.

The next bullet points, three and four, these are items that came to the department, to my office, in fact, that said the AWOC conference has voted and made a decision that they are going to be referred to as Black, Indigenous, and Workers of Colour. The committee, right? That is their decision on what they want to be -- how they want to be described in the Constitution.

And the other email that we got is there's two references in the Constitution to "transgendered", and I got an email from one of our members that's saying that is not correct, that is not how that should be referenced. It should be "transgender", and can you make that change.

And so, I responded to the person saying

yes, we will make the change, and no, I don't think it needs to go to a vote. If you're telling me that the reference that we're using is incorrect, we will fix it. And that's all I have. Thank you.

LANA PAYNE: Okay. So, everyone has gotten what -- okay, first of all, what Shane is basically saying here is there's a lot of clean up, those are the first couple of points that he's making, and we don't believe that we need a constitutional amendment on all of these things.

And I think what we probably want to do, Shane, is actually propose that to the convention, that we're just going to do that. We need to tell them that, I think, is one thing. Secondly, are we good to make this change to the AWOC committee as a housekeeping or a recommendation? It's still going to require not a vote, but all -- is that what you're saying, Shane, that we would not vote on this at the convention because it's a recommendation from the AWOC committees? Can I just seek clarity here? because we'll have to figure that out.

SHANE WARK: Yeah, yeah, the concern was I guess -- I mean, I guess it could be voted on, and in all likelihood, it would pass overwhelmingly, but the concern was that that group determines how they

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are to be referenced in our union, that group.

And so, why would we go to a convention and ask a convention to vote on how to -- how the equity group, AWOC group, wants to be referenced in our union? So, I think we report it out. I think it's a report out.

LANA PAYNE: Okay.

SHANE WARK: I don't think it's an approval from convention to tell this group how to reference themselves. I think they probably -- and Deb is here, I don't know, they might take offence to that, is what I'm thinking.

LANA PAYNE: Yeah. I think so too, but when we send out the package to locals, we can just alert them that this is happening. Does that make sense, Deb? Not that they're voting on it, but that this will occur?

DEB TVEIT: Well, I think it makes sense that they're notified that the AWOC committees across the country from each region discussed this, debated it, and voted to change it.

LANA PAYNE: Exactly.

DEB TVEIT: The black members don't like to be called workers of colour, and that...

LANA PAYNE: You guys are back on mute.

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DEB TVEIT: The Indigenous liaison, Gina, and others didn't want to be called Aboriginal, so that was the change to Indigenous, so that's -- I guess that's kind of how it could be reported.

SHANE WARK: Actually, Lana, I have a suggestion here.

LANA PAYNE: Yes, go ahead, Brother.

SHANE WARK: We could put it as a form of notice to the convention and then just ask convention to affirm.

LANA PAYNE: Yeah, I like that.

SHANE WARK: Like we do with Daniel. He's been voted as the Quebec Director, right? So, that's a decision that has been made, and then it gets affirmed by convention. We don't ask convention to basically -- the Quebec Council decided that, so in this case, the AWOC group decided it, we put it to convention and just ask them to affirm that decision. That can be an option.

LANA PAYNE: Okay, that could be an option. I've got two speakers on this right now, Shane, Ruth and Leanne. So, go ahead, Ruth, and then Leanne.

RUTH PRYCE: Thanks, Lana. And I agree with what Deb said, and we have been debating this for

years. The committee met, had a discussion, and I think what Shane just said a while ago at the convention if we want to affirm this. I don't think that this needs a vote. Thank you.

LANA PAYNE: Thank you, Ruth. Appreciate that. Leanne, sis, over to you.

LEANNE MARSH: Thanks, Lana. And I will just go on record saying that I am not opposed to this, obviously, because we need to update our references, but I have to say that as the liaison for the Aboriginal Workers of Colour for B.C. Regional, to not have got a chance to have a say in this is -- I'm just -- and I did -- I had a chat with Deb last time we were in person together, and I think it was just an unfortunate circumstance that happened, but when you have liaisons that are to specific groups, I think that those folks should be included in that as well.

Again, I'm not saying that I'm opposed to this obviously, but I just really wished that I, as a liaison and as an Indigenous person, and the Chair for B.C. Regional, I wish I had a chance to participate in this as well, so thanks.

LANA PAYNE: Thank you, Leanne. I think that that's a very good point, that when we're consulting on these sorts of things that we make sure

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we're including all the folks that need to be part of that discussion. I see Naureen nodding. I think there was probably a few others that might have got left out in terms of being consulted. Not that they disagreed with what we ended up with, but just making sure that we give folks a chance. Dana, I think you've got your hand up there. Go ahead, and then Shinade.

DANA DUNPHY: Yeah, just speaking from an equity seeking group myself, I agree with what Shane is saying about it not being put to a vote because it really doesn't make sense that, for example, LGBTQ, that non-LGBTQ people get the vote on what you want to be referred to in your committee group. So, I would agree that notifying them that the change has been voted on by the members of the committee is probably the right way to go.

LANA PAYNE: Excellent, I think we're all totally in agreement with that. Good point, Dana. Shinade, sis, over to you.

SHINADE ALLDER: Hi, so I just want to say I'm in agreeance as well, it should go to the group. But also, myself as ORC Chair, I was not part of the discussion for the changes that were happening, so I just wanted to make that aware as well.

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LANA PAYNE: Thank you, Shinade, I appreciate that. Any other discussion on these points? So, I think, Shane, we'll vote on this in two groups, if you don't mind. The first vote will be on cleaning up typos et cetera, et cetera, and doing it in the way that Shane proposed because I think it's important to have two votes here right now. It's two kind of different things.

MOTION: TO CLEAN UP THE TYPOS IN THE CONSTITUTION

LANA PAYNE: So, how we clean up typos, everyone good with the proposal, and references to National President or Secretary Treasurer, all of the things that we should be naming the same and we're not.

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

Carried.

CARRIED.

Great, thank you very much. That's gone through, Shane.

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MOTION: TO AFFIRM THE DECISION OF THE AWOC COMMITTEE
TO CHANGE THEIR NAME TO BLACK, INDIGENOUS AND WORKERS
OF COLOUR

LANA PAYNE: The second change is that we will accept or as a form of notice affirm decision of our AWOC committees, which will no longer be called that, to change the Constitution to Black, Indigenous and Workers of Colour in all references, and that is a recommendation right now.

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

Carried.

CARRIED.

Awesome, thank you very much. Very good work, everybody.

MOTION: TO AFFIRM THE CHANGE OF "TRANSGENDERED" TO
"TRANSGENDER"

LANA PAYNE: And the same applying for wherever there is the word "transgendered" that it would be changed to "transgender."

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

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(opposing votes shown)

Carried.

CARRIED.

Shane, are all of those yours? Is that it? Yes, correct? You're on mute.

SHANE WARK: Is that for me?

LANA PAYNE: Yes, are we done all of yours? Yes, correct?

SHANE WARK: We are done, thank you to the Board.

CONSTITUTIONAL AMENDMENT: ARTICLE 16 - NATIONAL DUES -
TO TRANSFER 2.5% FROM THE ORGANIZING FUND TO THE
GENERAL FUND

LANA PAYNE: Thank you very much. Now, if we could move perhaps to the two coming out of the Secretary Treasurer's Office, and again, my apologies to the Finance Committee, but you were aware of, basically, the bulk of what we were going to bring forward here. If we don't mind, can we start -- one is a constitutional amendment, the other one's a resolution.

The constitutional amendment basically looks at where our national dues are allocated within the structure of the union. So, up to this point -- and you might recall in the last convention, we

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changed what was being allocated to the Strike and Defence Fund, and we created a floor, and if we went below that floor, then that amount changed and that would trigger a change also in the amount of dues that went to the General Fund.

One of the things that we've discovered is over basically nine years of Unifor, we have never come near to using the annual allocation of the 10 per cent going into the Organizing Fund. I think the most we've spent is somewhere between \$7 million and \$7.5 million annually, and in many years nowhere near that.

So, part of the challenge, and I'll be frank, is when we went through COVID, you know, we weren't able to take organizing funds and use it for other purposes, which probably would have been nice to be able to do.

The other thing is, you know, not using those allocations of funds in the Organizing Fund on an ongoing basis is building up a surplus in that fund, and secondly, you know, we really could use 2.5 per cent of those funds to go into our general revenues so that we have more flexibility there.

As you all know, I've reported many times the General Fund pays for the bulk of the operations of the union, and I think we can all agree

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that nine years into Unifor, it's an okay time to look back at how we've done our allocations and see what was working and what wasn't working. I don't think it was ever envisioned, perhaps, when we put Unifor together that these would be the numbers that would work forever. It was just, you know, something that we were trying and, obviously, always meant to look back and review on those.

So, the basics of this change is that we would take 2.5 per cent from the Organizing Fund so that the Organizing Fund would be at 7.5 per cent of our dues, which will be anywhere between \$7.5 million to \$8 million a year to spend on organizing, which is still a significant chunk of change. And again, that would be the maximum that we've ever spent, and we would take that 2.5 per cent and add it to our General Fund.

The other thing is, I think it's incumbent on us that this doesn't stop us from having really significant organizing campaigns, and if they need additional funds, if we get in a year where, you know, the Organizing Department needs more funds, nothing stops us from shifting funds from the General Fund as they're needed for organizing. So, it's just really about giving us a bit more flexibility with our

dues dollars and being able to put them right now where, really, the demand is.

We'll still have significant organizing campaigns, but obviously, you know, it's important to kind of make sure that the General Fund is in healthy shape so that we can, you know, pay for the daily operations of the union. So, with that, I'll open it up for questions or comments or any concerns that you might have around this. Daniel?

DANIEL CLOUTIER: Lana?

LANA PAYNE: Go ahead, Brother.

DANIEL CLOUTIER:

(in French)

(taken from translation)

I'm in favour of this resolution, but I think there might be a bit of a mistake. You might want to reconsider the fourth whereas as you're saying that extra 2.5 per cent to the General Fund and the Education Fund.

LANA PAYNE: You're absolutely right. It should be just the General Fund. That was my mistake.

DANIEL CLOUTIER:

(in French)

(taken from translation)

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That's what I was trying to point out.
Thank you, Lana.

LANA PAYNE: Any other concerns or questions about this? Okay, I think we'll have a vote then if that's all right.

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

Carried.

CARRIED.

Les, are you opposed or in favour?

LES MACDONALD: I'm in favour.

LANA PAYNE: Thank you very much. Okay, that's really great.

RESOLUTION: TRANSFERRING EQUITY FROM THE ORGANIZING FUND TO THE GENERAL FUND

LANA PAYNE: Now, this other one is a resolution. Again, for the same rationale is that basically over nine years, we created a lot of equity in the Organizing Fund. When we started Unifor, we created -- we had \$10 million set aside in equity in the Organizing Fund, just in case you ended up, for example, in a year in which you needed a lot more money to spend on organizing campaigns, there would be

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a good chunk of change sitting in equity in the Organizing Fund that could be available.

Now, over time, that -- not only was that \$10 million in equity not used, but we built up to \$43 million in equity by the end of 2021. And at the rate we're going, I think we'll be at \$53 million by the end of 2025, so it's just money sitting there that we're not really being able to use in the union if we end up in situations where we have an economic downturn, where we have an extraordinary circumstance happening.

So, my proposal is that we continue to leave the original \$10 million in equity in the Organizing Fund, but we shift the \$33 million in equity, the additional \$33 million that's sitting there, into the equity of the General Fund, and that way, if we get into a challenging situation, there will be funds there that we can use without having to basically break the rules around what it is we can use the Organizing Fund for.

And so, it's basically a shift of money on paper, for the most part, but potentially for the union, it could be funds that we'd need to access if we got into a big economic downturn, for example. So, that's really the big reason around it.

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One of the other things you should know is that the equity in the General Fund has been improving over the last year, so that's also helpful, but you will recall one of those charts that I often show you, that shows our equity in the General Fund, has been going straight down like that, and that we actually were in a situation heading into 2020 where the equity in the General Fund would have been completely depleted by June of 2023, which meant we would have basically been waiting for funds to come in from locals to make payroll, as an example, which would have been not a very good situation to be in.

So, I'm hoping that this is a resolution that the Board might consider, you know, just shifting equity from the Organizing Fund to the General Fund. I see Tullio there, my treasurer friend, who would know why this might be a little important for us to do, but are there any questions or concerns about why the National Union would want to do this? No? It's clear as mud, right? Yes, of course it is. Okay,

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

Carried.

CARRIED.

Okay, perfect. Lovely, lovely.

UPDATE ON LENNOX & ADDINGTON INTERVAL HOUSE

LANA PAYNE: Shane, before we get to your two motions dealing with local union expenses, I think we might move to something a little bit more passionate right now, and I'm going to ask Katha and Gord, if Gord is still with us and didn't have to go to bargaining, I'd like Katha and Gord to maybe come in here and talk a little bit about this situation that we've got with our women's shelter workers in Napanee.

So, Katha, maybe start with you and then turn it to Gord, unless Gord is willing to go first. I'm not sure if he's still with us there. Gord, did you want to start, Brother? He might have had to step out for bargaining and kept his camera on. So, Katha, why don't you start with it, sis.

KATHA FORTIER: Thanks everyone, and thanks, Lana, for giving us a little bit of time on this. This is about the Lennox & Addington Interval House strike that's gone on for -- well, it's actually just about six months now. We ratified a collective agreement well over a month ago. The employer delayed the implementation of return-to-work plan, which we

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had to go back and forth on a lot of horrible things that the employer wanted included in this, and then they, of course, somehow felt the need to ratify this.

Last Friday, people were scheduled for their return-to-work meetings. We had agreed on the return-to-work protocol, or at least we think we did, quite frankly. Anthony, I don't even know if you've ever gotten from the employer that it actually is ratified, but their lawyers have been not a very good communicator and certainly, you know, alludes to the fact that they have a difficult client, but I'm not sure. The lawyer might seem a little difficult as well.

In any case, six people were scheduled last Friday for their return-to-work meetings, and all of them were returned to work and terminated immediately. This is, of course, completely unjust termination. This is a small bargaining unit. Two members were granted a leave of absence. There's about three members that are either on maternity leave or a short or long-term disability that weren't part of the strike. One casual worker was returned to work even before the return-to-work protocol, and there's, I think, again, two still outstanding waiting their meetings, and we expect that they'll be terminated as

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well.

So, clearly, you know, this is, you know, just -- obviously, they're saying that it's for conduct on the picket line. It's completely, you know, quite frankly, quite baseless for the most part. People are allowed to legally picket and a lot of the examples that they gave were, you know, first of all, very, very inaccurate, and second of all, you know, they had complaints about one person in their letter who was actually on vacation for a week and naming dates.

So, this is, you know, clearly retaliation from this employer whose, you know, job is to protect women from violence and is now firing them, terminating their employment, and it's just really horrid.

So, of course, we've had a meeting with the local, with the bargaining unit this week. We're going to put out a media release on Monday. We've filed grievances, of course, for all the terminations, and Anthony's also working on crafting a Labour Board complaint to go along with this, and once we hit the two-week mark, we don't even expect that the employer will -- we don't expect that the employer will schedule grievance meetings in a timely fashion, but

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we will actually expedite those grievances one at a time to arbitration so that the employer will certainly have a cost. So, we should actually, hopefully be in arbitration in early June.

One meeting with the bargaining committee -- the bargaining unit, the bargaining committee asked for a couple of minutes with us and they were really concerned because there are -- I mean, if you think of Napanee, it's a small town, most of the women that had other jobs have the ability to drive so they work in similar agencies in Belleville or Kingston, which are about 30 kilometres away.

Not everybody has that opportunity, so there are a few women, four in particular, who rely quite heavily on their strike pay and on the, you know, the donations that came in through the Strike Fund. The chair and the committee, you know, did that based on need because, again, some people did have other jobs and there were some that didn't, so they did top them up.

So, you know, we are going to be able to continue their strike pay until early June. You know, obviously, people know the situation for anybody who's terminated to try to get EI, EI will likely deny it and then after an appeal stage they usually get it,

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but it's, you know, it's several weeks and weeks away. We're hoping we can get to a resolution soon but, you know, I know people have already started to hear about this. Naureen and I talked about it the other day, and, you know, some BTS folks were there and they're just really, you know, appalled at what this employer has done. And so, you know, we're talking with the local about sort of planning an action that we can do.

But I would just say to the local unions and the regional directors on the call, if you would be interested in making a further donation so that they can continue to top up the pay, the strike pay, that would be greatly appreciated. You know, again, you know, we wouldn't really put out another call letter, but I know, you know, many of your locals and councils have been very generous in the past, and anything that you might be able to do so that they can continue the top up for these workers in the next three or four weeks would be appreciated.

So, I don't know if Gord has gotten back on yet or are able to add anything and if not, I'm happy to answer any questions.

LANA PAYNE: That's great, Katha. Thank you for that report. The situation is far from great. It would be really, I think, a good sign of support

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right now if maybe our regional councils or even some of the locals on this call could -- I don't know if you're able to -- make a donation right now, but I do think that we need to do something to show these sisters support, and perhaps it might also make good sense, Naureen, that -- so it's not, like, calling for strike pay, but maybe a note from you and Tullio and Shinade to the Ontario locals might also be good explaining this situation and seeing if they would come forward, you know, with some financial solidarity until we work through this situation. I think it's a unique one and it deserves a unique response from us. What do you think there Tullio and Naureen?

NAUREEN RIZVI: Tullio, you want to speak first? Go ahead.

TULLIO DIPONTI: No, go ahead. Go ahead, Naureen.

NAUREEN RIZVI: Yeah. No, you know, I mean, it's disheartening but probably, you know, I think the feelings are more around a lot of anger and everybody desperately want to support these members. I was with the bargaining committee that Katha was talking about and they're, like, ready to dig trenches right around this place and really just take over Napanee.

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So, I know our members want to do things, and I think we need to do both. We need to financially support, and we need to hold some actions to hold some people accountable, and while they're being held accountable, you know, to have the legal sort of proceedings go on that makes a lot of sense, but these sisters need money to survive.

At this point right now, Tullio and I could easily make a \$5,000 donation, I'd just like to go back to our executive. This is a unique situation, it's not your typical strike, and I'd like to go back to the executive and actually, you know, try to get a little bit more, to be perfectly honest. And so, our hands are tied at \$5,000, but I'd like to go back for more.

I'll certainly send out something with Tullio and Shinade to ask for financial assistance, but also to have people sort of on alert that we actually need to take on this employer and really create some, you know, ruckus around this because I think everyone's really, really angry.

LANA PAYNE: That's awesome, thank you.

TULLIO DIPONTI: I agree with Naureen fully. Obviously, minimum will be \$5,000, but I'm sure the executive board will be more than happy to

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help out and we'll do a lot more than that.

LANA PAYNE: That's great. And I think what we can do is coordinate an email to the Board as well, Tullio, as a reminder, and folks can check in maybe with their locals in that case too, and we can see what we can do here.

And of course, the National will help in any way that we can. We've extended strike pay in this circumstance for these sisters as well to the 28 days that they would be eligible for if they were waiting to be recalled for work so that's also been done. Les MacDonald, over to you, Brother.

LES MACDONALD: Is that Gord's local that funds would go to?

LANA PAYNE: It's Gord's, yeah.

LES MACDONALD: Okay. That's, what, 416?

LANA PAYNE: 414.

LES MACDONALD: 414, okay.

LANA PAYNE: We can get the information to the Board. Les, are you going to go back to your retirees' council and have a go?

LES MACDONALD: Well, yeah, we've got a -- next week we meet in Ingersoll, so maybe I can put the word out down there, see what happens, and we

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could probably look at our own retiree's chapter too.

LANA PAYNE: That would be great.

Katha, maybe we can get a summary drafted that we can get out to the Board that they can use when they're explaining what's going on there? Just a brief blurb, I think, would be helpful, or they could use what Naureen is going to send out. Linda, over to you.

LINDA MACNEIL: No, actually, I think you've covered it. You're going to have something sent out. Also, the ARC executive will obviously be having a meeting to deal with ARC stuff in the very near future, and perhaps, Katha, if you don't mind, I'd like to invite you, maybe even to speak to it, that would be great, too.

LANA PAYNE: Agreed, awesome. Thanks, Linda. Naureen, you've got your hand up, sis?

NAUREEN RIZVI: Not on this. I have a bit of a -- just a point of order after, so I'll let this conversation end and before you start the next, I'd like to just make a point, please.

LANA PAYNE: Okay, great. Anyone else on this one? Okay, great. Oh, Leanne, go ahead, sis.

LEANNE MARSH: Hi, thanks. I'm just going to say that BCRC will do \$2,500 for now, and then we're going to be having a meeting soon and there

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might be -- we'll hold discussions about it, but for now \$2,500.

LANA PAYNE: That's great, really great. Okay, Guy, off to you, Brother.

GUY DESFORGES: Obviously, I just wanted to say right now PRC will donate \$3,000 right now until I talk to Brent and see if we can do a little bit more.

LANA PAYNE: Wonderful. Okay, that'll help get these sisters over the hump for the next little bit, Katha, do you think, with those contributions and whatever else we can get from it?

KATHA FORTIER: Yeah. Yeah, certainly that will, and I will let Gord know that it's coming and, you know, that's terrific news, and I will get a summary out to everybody over the weekend.

LANA PAYNE: That's really great. Marc, over to you, Brother.

MARC ROUSSEAU:

(in French)

(taken from translation)

Thank you. Maybe I didn't get the information, what is the local? It's 141, 144?

LANA PAYNE: 414.

MARC ROUSSEAU:

(in French)

(taken from translation)

Okay. Can we get the information? The address, if we want to send a cheque or maybe, you know, information for the e-transfer, whatever can help us get money to the local, and I'll discuss it with our executive and we'll see what we can do for you.

LANA PAYNE: That's wonderful, Marc, and we'll definitely get you the information. That's great. Okay, really good. Naureen, do you want to come in here, and then we can get through the final motions, and I think Gavin's got an update on Whistler as well.

NAUREEN RIZVI: Yeah, I wanted to just say I've been sort of on and off this NEB call because my phone's been going a little bit crazy. It's unfortunate, but a board member put up that we have cancelled the special convention about 45 minutes or an hour ago on Facebook, and now I'm getting calls and emails from those who have written to say they support the special convention. You know, some little texts obviously from people who are saying well, it's good that it got cancelled, but certainly the ones who wanted the special convention are now wanting to have

a conversation about what happened and why.

And so, you know, the meeting has not even concluded yet and the information is out there on a Facebook post. And so, you know, obviously, I think that very quickly we're going to have to draft something and have something out to our members, because already that's what I've been dealing with while I've been on and off here, and I think it's disappointing.

I know when we make a decision as a Board or whatever it is that we need to put out, it needs to -- this sort of way just creates a big kerfuffle, and especially we know that there were people that wanted it and people who didn't want it, and so ---

LANA PAYNE: Yeah.

NAUREEN RIZVI: --- I've got some angry members saying, you know, what just happened?

LANA PAYNE: Yeah, it would be nice if we could actually put a communique out to locals, like for once. Okay, I hear you, Naureen. I don't know what to do anymore about that stuff, it's -- you try as much as you can. It's just been really challenging.

Where were we with this now? Sorry.

Yes, okay, we've got that done, we're back to the motions from Shane, I think. Shane, while you're getting that ready, actually, Gavin, why don't you come in and do an update on the Whistler situation? We've got ---

GAVIN MCGARRIGLE: Sure.

LANA PAYNE: --- our members on strike there and members on strike in Quebec right now as well, so go ahead, Gavin.

UPDATE: WHISTLER STRIKE

GAVIN MCGARRIGLE: Yeah, so they've been on strike now for 12 weeks. I was in touch with the Minister of Transportation while I was in Mexico trying to get something going, set up a meeting which was supposed to be with the bargaining committee, but I met with the entire bargaining unit a couple of days ago via Zoom. I had some good discussions and, basically, the nutshell is we're trying to get back to the table for mediation without a special mediator, without recommendations next week.

The Minister of Transportation was at our Unifor Westin Hotel in Whistler today, and I was talking to him as late as 11:00 last night and, you know, he knows about our welcome party, so they've got

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pictures of that. But while we've been on this meeting, I've had further calls, including I had one yesterday from the employer that didn't go well, but we have two Ministers that are now travelling downhill with a very strong push to the employer, so we'll see if something happens on that.

They're a tough group and they're determined, but at least we should hopefully be back to table next week sometime.

LANA PAYNE: That's great. Thank you, Gavin. Okay, we've got two motions left here, Shane Wark. Do you want to come in here on these around national expense policy and around changing our mileage amount?

MOTION: TO UPDATE NATIONAL UNION POLICY REGARDING
LOCAL UNION EXPENSES - MILEAGE

SHANE WARK: Yeah. Thanks, Lana. The first one I'll deal with is just to update the National Union policy, expense policy. This is to change the mileage based on the information that we got from our Accounting Department because it hasn't been updated for quite some time.

I reported this out at the last Board meeting. So, the motion is very straightforward, that

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we just update the expense policy to increase the amounts reimbursed for the cost of mileage/gas as per Canada Revenue guidelines, and that would be 61 cents per kilometre for the first 5,000 kilometres, and 55 cents for all kilometres over 5,000. So, this would bring the National Union policy in compliance with CRA.

LANA PAYNE: Yeah, and I think really important to do because when you're not in compliance, if you're way too low or way too high around reimbursements, it can cause a bit of an issue. Les, over to you.

LES MACDONALD: When would this take effect if we were to vote for this? Can we set a date, like, so that we're all in the same ballpark?

LANA PAYNE: That's a very good idea. Shane, what are you think about that, June 1st?

SHANE WARK: Yeah, I think ---

LANA PAYNE: It'll give us time to communicate it.

SHANE WARK: --- we've got to give notice.

LANA PAYNE: Yeah. Do you think June 1st is enough time?

SHANE WARK: No, I would actually go

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July 1.

LANA PAYNE: Okay, July 1. Effective July 1, everyone good with that? Getting nods here, okay.

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

Carried.

CARRIED.

Awesome. Okay, that's gone, Shane.

Next one.

APPLICATION OF NATIONAL UNION EXPENSE POLICY FOR LOCAL UNIONS

SHANE WARK: This was discussed at the last Board meeting, as you recall. I raised the issue how we get some pushback from local unions when they establish their local union expense policy and the department has been essentially requiring them or compelling them to follow the National Union expense policy.

In order to address that issue, I again went with our accounting department, and we came up with this proposed motion that would simply read that the National Union will continue to strongly encourage

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local unions to adopt in their bylaws an expense reimbursement policy which mirrors the National Union expense reimbursement policy, and we're going to continue to strongly urge them to follow our policy because our policy now, based on the previous motion, will be up to date for the CRA, and for consistency, we want the locals and National to try and stay in line of how we deal with expenses.

But we are going to say, however, if a local union decides to adopt their own expense reimbursement policy, the local union is required to ensure the policy is fully compliant with the Canadian Revenue Agency guidelines. CRA guidelines include but are not limited to mileage rates and per diem rates.

So, if a local union pushes back hard enough that says we want our own policy, we're just making it clear through the National Executive Board, if you do that, then you have to make it clear that your policy is also going to comply with CRA so that the local union is not out of step and potentially putting the local union at risk for being audited or some other problem with CRA, and that's it.

LANA PAYNE: I agree with this wholeheartedly. Any questions on this proposal, resolution, policy change? No?

All those in favour?

(favouring votes shown)

Down. Opposed, if any?

(opposing votes shown)

Carried.

CARRIED.

OUTSTANDING BUSINESS

LANA PAYNE: Wonderful. I think that's it. Let me double check the agenda. I think that's it for our agenda for the day.

Any other outstanding business or issues that you want to speak to? I don't know, Daniel, if you want to update folks on the Quebec strike, or a lockout I should say, given Gavin mentioned what was happening with Whistler, but we've got a tough one there, folks locked out for almost a year right now. So, perhaps Daniel, you might want to just give people a summary of what's happening?

DANIEL CLOUTIER:

(in French)

(taken from translation)

Well, thank you very much, Lana.

Indeed, as you know, we have a lockout for over a year, and I won't repeat what you already know, but the employer is just trying to break the union, as you

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very well know. So, we're still at the same place.

The employer doesn't want to recall people, the employer wants to use subcontractors instead of our members, and out of the 130 members and out of the 100 who haven't taken a package, they could recall 40 and the rest would be subcontracted. So, you know, we attempted to come to a settlement, but the employer is just sitting on his position.

We had some legal victories in terms of the use of scabs. In fact, we created a precedent on the application of the law when it comes to working from home. Previously, the anti-scab Quebec law applied to the work address, but thanks to our victory, it now is extended to people working from home.

Now, there is still a problem with the law, and we addressed it this week. A Quebec party, Quebec Solidaire, proposed changes and the PQ is also in favour of this change. What's going on right now is that the company, well, the plant, 90 per cent of the production is clinker, and that is then used to produce cement. So, a cement plant uses this clinker to produce cement, and then that is sent to a cement production facility.

Now, they have been sourcing this

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product from Turkey, Greece. This is at a very high environmental cost and that is skirting the anti-scab law because no one should be able to produce this clinker. So, they are using it from Greece and Turkey, et cetera. So, in order to reaffirm the law, Quebec Solidaire has proposed a bill this week in the National Assembly. There's a meeting with the conciliator next week. We'll see if the employer is going to move, but right now nothing is moving at all.

Fortunately, Quebec members have shown solidarity, we've been able to offer financial support to all of these strikers, and very soon, we will adopt a locked-out member because we want to seek recurrent giving, so as to support these people in order to keep their morale up. We need to guarantee them financial support, recurring financial support.

We may, in fact, solicit locals throughout Canada to adopt a locked-out member. So, we want good media coverage in Quebec, ask other Quebec unions to climb aboard, and then we'll ask other QFL affiliated unions to come on board, and then brothers and sisters throughout Canada. So, that's where we're at. We're not giving up, but it's a very, very difficult conflict for which we see no end in sight at the present time. Thank you.

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LANA PAYNE: Thanks, Daniel. And I think the same employer has a cement plant in Mississauga. So, there might be some solidarity actions that we might be able to consider around that, so we can probably explore that too. I believe those members at that plant are represented by the Teamsters. That's what I learned on the picket line from our folks, so thanks for that.

Anybody else? Okay, great. Thank you very much and we'll talk to you really, really soon. Take care of yourselves out there, and we'll be in touch within the coming days for sure. Okay.

--- Whereupon the meeting was adjourned at 3:42 p.m.

CERTIFIED CORRECT:



Shirley Chang,
Court Reporter