

BY-LAWS

OF

LOCAL 75

UNITE HERE

C.L.C. – O.F.L.

INDEX

Article I	Name and Object	3
Article II	Membership.....	3
Article III	Meetings	4
Article IV	Officers.....	5
Article V	Nomination and Election	5
Article VI	Vacancies	7
Article VII	Resignations	8
Article VIII	Delegates	8
Article IX	Duties of Officers	9
Article X	Duties of Members	12
Article XI	Trials and Appeals	12
Article XII	Finances	13
Article XIII	Amendments.....	14
Article XIV	International Constitution.....	14

ARTICLE I
NAME AND OBJECT

Section 1: This organization shall be known as **Local 75**, of **UNITE HERE** (hereinafter also "the Local Union" or "the Local"), affiliated with UNITE HERE (the "International Union" or the "International").

Section 2: The purpose of this organization shall be to organize all persons within its jurisdiction; to establish and maintain equitable wage scales and working conditions; to elevate the moral, social and intellectual standing of its members; to guard their financial interests; to promote their general welfare to the Local's cardinal principles of truth, justice and morality; to secure employment for its members and to uphold the dignity of labour; and to assist employers and workers in the hotel, gaming, restaurant, food service and related industries in all legitimate ways.

Section 3: Wherever a masculine pronoun occurs in these By-Laws, it shall be deemed to include the feminine pronoun.

ARTICLE II
MEMBERSHIP

Section 1: Membership of this organization shall consist of an unlimited number of workers in the hotel, gaming, restaurant, food service and related industries, who agree to abide by the By-Laws of this Local and the Constitution of UNITE HERE, as presently in effect or as hereafter amended.

Section 2 - Acquiring Membership: A person eligible for membership and working within the jurisdiction of the Local Union, making application for membership, shall become a member of this Local and the International Union upon receipt of the membership application and the dues and fees which may be required. Any member who desires to protest the membership of such person must do so within thirty (30) days of receipt of the application for membership by filing a protest with the Secretary-Treasurer of this Local Union.

In the event of such protest, the Executive Board of this Local Union shall review the qualifications of such person and shall determine if the membership is to be revoked. The member shall be given notice that a protest of his membership has been filed and given an opportunity to appear before the Executive Board. The decision of the Executive Board shall be considered the decision of the Local Union and shall be appealable in accordance with the International Constitution; provided further, however, that the decision of the International Union President shall not be further appealable.

Section 3 - Passive Membership: Any person who is a manager, owner or proprietor or any person who is employed outside the jurisdiction of this Local Union and not employed in the jurisdiction of the Local Union may be accepted for or hold membership in this Local Union only as a passive member, provided such person maintains no affiliation with the proprietors hostile to this Union.

(a) Passive members shall not be entitled to voice or vote or to attend meetings of the Local Union. They shall be ineligible for election to any office in this Union or for any position as a delegate representing the Union.

(b) Passive membership is hereby declared a privilege, revocable at will by the Executive Board of the Local Union or by the International Union President; such revocation of passive membership by the International Union President shall not be appealable.

(c) Any member desiring to change his membership status from active to passive or passive to active must appear before the Executive Board of the Local and such change in status can only be granted upon the approval of the Executive Board.

ARTICLE III

MEETINGS

Section 1 - Meeting Schedule: The regular membership meetings of this Local shall be held quarterly in Toronto on the second Tuesday of January, April, July, and October. The Executive Board shall set the meeting times and may provide for additional meetings in other locations.

The membership shall be appropriately notified of the meeting schedule. All membership meetings of this Local shall be held in accordance with Roberts Rules of Order.

Section 2 - Special Meetings: Special meetings may be called by the President, by majority vote of the Executive Board, upon the written request of 300 members in good standing or by vote of the Union. In any case, the membership shall be appropriately notified of such meeting by the Secretary-Treasurer. No business shall be transacted other than that for which the meeting is called.

Section 3 - Quorum: Twenty-five (25) members, including one qualified to preside, shall constitute a quorum for the transaction of all business.

Section 4: Members shall be expected to attend all meetings when possible and to take an active interest in the affairs of the Union.

ARTICLE IV **OFFICERS**

Section 1: The Officers of this Local shall be the President, Vice-President and Secretary-Treasurer. The officers and twenty-five (25) additional Executive Board members shall constitute the Executive Board of the Local Union.

Section 2: All officers, agents, shop stewards, and other representatives or employees of this Local Union or of any trust in which the Local Union is interested, who handle funds or other property, shall be bonded for the faithful discharge of their duties in accordance with the requirements of the applicable Federal and Provincial law and the International Constitution. The premiums on said bonds shall be paid by the Local Union.

Section 3: Any officer or Executive Board member absent from three consecutive meetings, unless excused because of illness, working schedule or other justifiable reason, shall forfeit his office.

ARTICLE V **NOMINATION AND ELECTION**

Section 1: The election of officers shall be held by secret ballot every four years from among the members in good standing in this Local Union. No write-in votes shall be permitted. The polls shall be open from 8:00 a.m. until 7:00 p.m.

Section 2: A reasonable opportunity shall be given to the members to nominate candidates for office. Nominations of officers shall be received in the month of August, 2008, and every four years thereafter.

Section 3: (a) In order to be eligible to be nominated for office, a member must have been an active member of Local 75 in continuous good standing for a period of twelve (12) calendar months immediately preceding nominations.

(b) In order for any member to be eligible for office in this Local, he must be present at the nominating meeting or must have submitted a written statement to the Secretary-Treasurer prior to the opening of nominations, indicating his willingness to accept the nomination if his name is proposed.

(c) No member may be eligible to be nominated to any office in this Local Union unless he is employed or available for employment in the jurisdiction of this Local Union or is an officer or employee of this Local Union or the International Union.

(d) No member may be nominated for more than one office when such offices conflict.

(e) In order to be eligible to be nominated for the office of President or Secretary-Treasurer, he must have attended at least five (5) General Membership meetings in the current term.

Section 4: The Secretary-Treasurer, not less than fifteen (15) days prior to the date of nominations, shall mail to each member in good standing to his last known home address a notice of the offices to be filled and time, date, place and manner of submitting nominations, as well as the time, date and place of the election.

The notice shall bear the signatures of the President and the Secretary-Treasurer.

Section 5: An Election Committee of five (5), the majority appointed by the President and the minority appointed by the Vice-President, shall take charge of the election and provide safeguards to ensure a fair election. No candidate for office or any officer serving out his term of office shall be eligible to serve on the Election Committee. The Election Committee shall pass on the eligibility of all candidates and their decision shall be subject to appeal to the International Union President.

Section 6: Any candidate shall have the right to have an observer at the polls and at the

counting of the ballots. All observers must be active members in good standing in this Local Union.

Section 7: The votes cast by members of the Local shall be counted and the results for each office shall be announced and published separately. The Secretary -Treasurer shall preserve for one (1) year the ballots and all other records pertaining to the election.

Section 8: The installation of all officers-elect shall take place within one month following the election. If any officer-elect fails to make an appearance at the installation, he shall forfeit the office to which he was elected, unless he has been excused by the Executive Board because of illness or other justifiable reason.

ARTICLE VI **VACANCIES**

Section 1: Vacancies in any office shall be filled for the unexpired term by appointment of the President, subject to the approval of the Executive Board.

Section 2: In the event of a vacancy in the office of President, such vacancy shall be filled for the unexpired term by appointment of the Executive Board, subject to approval by the membership.

ARTICLE VII
RESIGNATIONS

Section 1: Officers, with the exception of bonded officers, shall have the privilege of resigning at any regular meeting, provided no charges are pending against them and their resignations are submitted in writing.

Section 2: A bonded officer shall present his resignation in writing at least one meeting before it is acted upon and, if the Board of Trustees reports that the financial accounts of the Local are in proper order and there are no charges pending, the resignation may be accepted.

ARTICLE VIII
DELEGATES

Section 1: Where permitted, delegates to all bodies with which the Local Union votes to affiliate shall be appointed by the President, subject to approval by the Executive Board and ratification by the membership.

Section 2: Delegates to the International Convention may be nominated and elected at the same time as the regular nomination and election of officers is held if there is an International Convention scheduled during that term of office. In any event, delegates to the International Convention shall be elected not less than forty-five (45) days prior to the date of the Convention.

Section 3: The procedures and requirements, including the notice pertaining to the nomination and election of officers as set forth in these By-Laws and the UNITE HERE Constitution, shall (where necessary) apply equally to the nomination and election of delegates to the International Convention and all other UNITE HERE bodies.

ARTICLE IX
DUTIES OF OFFICERS

Section 1 - President: The President shall be the chief executive officer of the Local Union.

(a) He shall preside at all regular and special membership meetings and at all meetings of the Executive Board. He shall have the authority to call special meetings of the Executive Board. He shall take such action as he deems necessary to preserve order and decorum.

(b) He shall appoint the majority of all committees. He shall be a member ex officio of all committees, except trial and election committees.

(c) He shall co-sign all cheques for payment of money from Union funds. He shall sign all documents required by the Local and the International Union for the protection and welfare of the members.

(d) He shall, by virtue of his office, be a delegate to the International Union Convention and a delegate to all other bodies with which the Union affiliates.

(e) He shall be the official representative of the Local Union in all collective bargaining with employers for wages and working conditions. He shall serve as chairman of all negotiating committees. He may delegate his negotiating authority to a representative of the Local Union, who shall act under his direction and supervision.

(f) He shall assign tasks and direct the organizational work of all staff members. He shall do his utmost to enlarge the membership of the Union.

(g) He shall visit or cause to be visited under his direction and supervision of all establishments under contract with this Local. He shall endeavour to maintain congenial relations between the employer and members of the Union and to obtain employment for all job applicants.

Section 2 – Vice-President: The Vice-President shall aid and assist the President.

The Vice-President shall perform the following duties:

(a) He shall preside over all meetings in the absence of the President, and for the time being, be invested with the same power as though he were President.

(b) He shall perform such other duties as may be consistent with his office.

Section 3 - Secretary-Treasurer: The Secretary-Treasurer shall assist the President and perform the following duties:

(a) He shall, when feasible, keep regular office hours for the convenience of the members, as well as the employers, and perform such other duties as may be required of him.

(b) He shall keep or cause to be kept a complete and accurate set of books in such a manner that it will show all of the business transactions of the Union, including its income and expenditures and its assets and liabilities.

(c) He shall collect or cause to be collected all funds and contributions. He shall co-sign all cheques for disbursements of Union funds. It shall be his duty to make prompt deposits of all monies in a bank designated by the Executive Board.

(d) He shall make a financial report to the membership at each regular meeting, giving an official accounting of all monies collected and expended by the Union.

(e) He shall have charge of and attend to all official correspondence of the Union, impress the seal thereon and keep on file a copy of all such correspondence. He shall attend to all clerical work of the office unless otherwise provided for. He shall counter-sign all working, travelling and withdrawal cards.

(f) He shall keep or cause to be kept under his direction and supervision a list of the names of all sick members.

(g) He shall compile or cause to be compiled under his direction and supervision the roster of the Local Union.

(h) In the absence of a presiding officer, he shall call meetings to order and

preside until a temporary chairman is elected by the membership.

(i) He shall keep a complete record of all committees and officers of the Local Union. He shall notify all committee members of their appointment. He shall take or cause to be taken a true and faithful record of the proceedings of the Local Union's meetings which shall be transcribed in the minute book provided for that purpose by the Local. He shall call the roll of all officers present at all meetings and record the attendance in the minute book.

(j) He shall, by virtue of his office, be a delegate to the International Union Convention and a delegate to all other bodies with which the Local Union affiliates.

Section 4 – Trustees: The trustees shall supervise the property of the Local and shall submit an itemized inventory thereof each fiscal year. They shall audit the books of the Secretary-Treasurer and verify the quarterly financial reports and annual audit required by the International Constitution. They shall certify that the books of all officers desiring to resign are properly balanced and audited and that any of the Local's business which might have been entrusted to those officers has been properly completed and accepted by the Local before the resignation can be accepted. All books, papers, documents and money belonging to the Local Union which officers or members of the Local might have in their possession shall be made available to the Trustees for inspection at designated times.

Section 5 - Executive Board: The Executive Board shall consist of the President, Secretary-Treasurer, and twenty-five additional elected rank and file Executive Board members. A majority of the Executive Board shall constitute quorum for the transaction of all business. The Executive Board shall perform the following duties:

(a) Between regular meetings, the Executive Board shall be the governing body of the Union. It shall have complete authority between meetings of the Union as may be exercised by the Union under the International Constitution and these By-Laws.

(b) All applications for donations and all proposed expenditures, other than routine operating expenses, shall first be referred to the Executive Board for their recommendation; which recommendation shall be subject to membership approval by majority vote of the membership present at a regular or special meeting.

(c) The office of any Executive Board member absent for three consecutive board meetings without valid reason shall be deemed vacant.

(d) As rank and file leaders of the Local Union, the Executive Board will actively assist in organizing the unorganized and engage in solidarity work within and between Local 75 establishments, the International Union and the Labour Movement.

ARTICLE X

DUTIES OF MEMBERS

Section 1: Members shall not work for wages below the scale adopted by the Union and shall abide by all working conditions contained in the working agreement adopted by the Union. Members must ascertain the wages and conditions to be received and shall immediately report all violations to the Union office.

Section 2: Members compelled to terminate their employment for any reason shall notify the Local Union.

Section 3: All active members shall do such picket duties as may be necessary to bring successfully to conclusion any strikes or organizing programmes declared by the Union.

The Secretary-Treasurer shall keep a rotating picket list so that all members shall do an equal amount of picketing.

Any active member, refusing to do picket duty when called upon, may take the option of paying the Union an established fee to have someone picket in his stead. If a member refuses to picket or to take this option, he shall be subject to charges and, if found guilty, shall be suspended or expelled.

Exempted from picketing or paying an established fee are members who have attained 65 years of age or any member who is sick and cannot work.

ARTICLE XI

TRIALS AND APPEALS

Section 1: No member of the Local may be fined, suspended, expelled or otherwise disciplined, except for non-payment of dues, by this Local or any of its officers unless such member has been **(a)** served with written specific charges; **(b)** given reasonable time to prepare his defense; and, **(c)** afforded a full and fair hearing as set forth in this Article.

Section 2: A member or officer of this Local shall be subject to charges and to stand trial

when charged with violating these By-Laws or the International Constitution. The procedures and requirements of said charges, trial and appeals shall be as set forth in the International Constitution.

Section 3: The President and Vice-President shall appoint a trial board of three from the membership to hear the charges and to render a decision. When the accused is found guilty, the penalty may be a fine, suspension, expulsion, limitation to hold office or attend meetings, any combination of the foregoing or such other penalty as the determining authority may deem appropriate.

Section 4: The Secretary-Treasurer shall notify the accused of the charges by sending him a copy thereof by registered mail or by delivering a copy of the charges to the accused personally. The accused shall be notified of the time, date and place of the trial and shall be allowed no less than ten days from the time of such notice for the preparation of a defense.

Each side shall procure the attendance of its witnesses.

Section 5: The decision and penalty of the trial board shall be approved or modified at the next regular meeting of the Local before becoming effective.

ARTICLE XII **FINANCES**

Section 1 - Initiation Fees: The initiation fee of the Local will be as set by the Local Union from time to time.

Section 2 - Monthly Dues: The monthly dues of this Local shall be as set by the Local Union from time to time.

Section 3: Any member being two calendar months in arrears for the payment of any dues, assessments or fines shall be considered automatically suspended. The Provisions of Article XI of these By-Laws shall not apply to such suspension.

Section 4: Reinstatement to membership in this Local Union shall be made in accordance with the procedures set forth in the International Constitution.

Section 5: It shall be mandatory on members of this Local to deposit their traveling card

with the Local Union having jurisdiction before accepting employment. Any member violating the foregoing provision is subject to the provisions of the International Constitution.

ARTICLE XIII **AMENDMENTS**

Section 1: All proposed amendments to these By-Laws must be in writing, proposed by the Executive Board or signed by 300 members in good standing with the Local, and read at two consecutive meetings and voted upon at the second meeting.

After the first reading, the proposed amendments must be posted on the bulletin board until final action. A two-thirds majority vote of members present at the second meeting shall be required to adopt an amendment. No amendment shall become effective until approved by the General Presidents.

Section 2: Rules of order or order of business may be amended by a two-thirds vote of the membership present.

ARTICLE XIV **INTERNATIONAL CONSTITUTION**

Section 1: The terms and provisions of the International Constitution and any amendments thereto are incorporated in these By-Laws and shall be binding upon this Local Union, its officers and members, as if fully set forth herein.

Section 2: Any provisions of these By-Laws which are in conflict with the International Constitution or Provincial or Federal law shall be of no force or effect to the extent of the inconsistency.