

January 1976 *file*

At the membership meeting in January, this local adopted a policy for dealing with a union member's charge against another union member. At that meeting, notice of motion was given that this policy be adopted as part of our Local By-laws (subject to the approval of the Provincial Executive as per Section 19-P2 of our Constitution).

At the February membership meeting, there was much confusion about this policy--what were the punishments referred to in the procedure? was there any appeal? does this relate to anything in our Constitution? This is an attempt to answer some of those questions by relating the policy recommended to the discipline section of our Constitution.

The constitution of our Union describes the penalties which may be imposed on a union member (reprimand or expulsion) and gives a general procedure for each local to follow. But it does not lay down a specific way of handling a charge by one union member against another. What follows is the discipline section from the Provincial Constitution. (Please keep in mind that our Constitution may only be changed by taking an amendment voted on at a local meeting, to the Provincial Convention and passing it there--next convention is 12 & 13 June 1976.)

#### Section 17 (Provincial Constitution) - Discipline

- A. The Local Associations have the right to discipline any member for a violation of the Provincial Constitution, Local Association By-laws or decisions of Local Association meetings or conventions, only after a fair hearing and a majority vote at the Local Association meeting. The accused shall be presented with the charges in writing at least seven (7) days prior to the hearing and shall have the right to have a member of the Local Association act as her/his counsel.
- B. The Local Association, after such hearing, shall, if the accused is found guilty, have the right to impose any or all of the following penalties:
  - 1. reprimand the member;
  - 2. Recommend to the Annual Convention that she/he be expelled. Any member found guilty and recommended for expulsion shall be ineligible to hold office.
- C. The accused will have the right to appeal to the next Provincial Convention and shall have the right to choose a member of the Provincial Association to act as her/his counsel. However, the decision of the Local Association shall stand unless and until reversed on appeal.
- D. The Provincial Convention has the power to expel upon recommendation of the Local Association as aforesaid, and in any appeal may:
  - 1. Affirm the conviction and the penalty imposed;
  - 2. Affirm the conviction and substitute another penalty for the penalty imposed; or,
  - 3. Reverse the conviction and order the Local Association to repay any fine or fines and costs incurred.



- E. The Provincial Convention shall have the power to discipline Provincial Officers and impose any or all of the penalties listed in Section 17B.

This section of our constitution is good in many ways--it lays down the bones of a procedure, the penalties which may be imposed on a member, and protects the right of appeal. But many questions of how a Local Association should implement this section remain--how should the charge be written? to whom should it be presented? how should the hearing be conducted? what do we do in case the chargee is ill and unable to attend?

The procedure which we adopted as policy at our January membership meeting is an attempt to answer these questions. This procedure was written to protect the rights of the chargee and to ensure that a uniform procedure would be followed for all union members. Including this procedure in our By-laws will ensure that it is always followed, that there can be no time when the rules we follow for one union member will be different for another.