

M I N U T E S

August 22, 1981

Of the Hearing held pursuant to Section 19 of the AUCE Provincial Constitution, Part F. The purpose of the Hearing was to hear the charges laid by AUCE Local 1 against AUCE Local 5.

The Hearing was conducted on Saturday, August 22, 1981, at Britannia Community Centre, in Vancouver, B.C.

The AUCE Provincial Executive conducted the Hearing, as per the Constitution.

The charges were filed with the AUCE Provincial Office, by letter, as follows:

*June 18, 1981*

*This is to inform you that the following motion was passed at AUCE Local 1's membership meeting today:*

*"AUCE Local One hereby charges AUCE Local Five under Section 19 (f) of the Provincial Constitution in that it affiliated to the Canadian Confederation of Unions in contravention of AUCE's policy decision to affiliate intact to the Canadian Labour Congress. Further, it is the position of AUCE Local 1 that a reprimand is totally inadequate given the severity of the situation, we urge that a hearing be held on the matter as soon as possible."*

*Signed, Wendy Lymer, Secretary-Treasurer, for Suzan Zagar, Vice President, AUCE Local One*

Local 1 was represented by Nancy Wiggs, with the assistance of Don Chang, a UBC Law Student. Other Local 1 members present for the hearing included Suzan Zagar, and the Provincial Reps. Elizabeth Brock, and Sheila Rowswell. Irene McIntyre, another member of Local 1 also attended.

Local 5 was represented by Peter Burton, a UBC Law Student. Local 5 members present for the hearing included Lauma Avens, Local Trustee, and Provincial Co-ordinator; Judy Attewell, Local President; Kyra Guest; Isabel Bagg; and Dianne Kauffman, Provincial Representative. Local 5 was also attended by John Hartloff.

The proceedings were underway after Lid Strand, Provincial President, outlined the format for the day. Local 1 was to have gone first on outlining their charges, but Local 5 took issue with the Constitutionality of the charges, so Peter Burton, speaking for AUCE Local 5, argued that the Local 5 position that they considered the charges to be retroactive. This argument was based on Local 5's concern that since Section 19 (F) of the Constitution did not exist at the time the Local affiliated to the CCU, then the charges were being applied and heard after the alleged violation took place. Local 1 argued that the charges were Constitutional, stating that Section 19 of the Constitution, part (F), was the vehicle for the laying of the charges, and that Local 5 was being charged with violating other sections of the Constitution regarding abiding by AUCE policy. Local 1 emphasised that they were not charging Local 5 with violating Section 19 (F) but were using that section in order to deal with violations of other sections of the contract. Local 5 strongly objected to this interpretation of the Discipline section, and defended their action as being in line with Locals' rights to autonomous action.

\*\* A copy of Section 19 (F) of the AUCE Provincial Constitution, is attached.

After both sides presented their arguments on the constitutionality of the laying of the charges, there was open discussion and a question period. Any formal decision making was the responsibility of the Provincial Executive, as per the Constitution. Decisions were made, motions were discussed and voted on, and a record of the motions considered is as outlined:

## 1. MOTION

Jack Gegenberg (#6 Rep) Moved Elizabeth Brock (#1 Rep) Seconded  
That we rescind any previous motions regarding the constitutionality of the  
laying of the charges brought by Local 1 against Local 5 being in order.  
CARRIED

- therefore it was understood that there are no motions on the floor dealing with  
the Constitutionality of the charges.

The Chair noted that there are now two points to be considered:

- i) whether or not Local 5 is in violation of the Constitution, and
- ii) whether it is appropriate to deal with this issue under Section 19 (F)

It was questioned whether or not there would be a conflict of interest if the  
Local reps that were participating voted on the issue, as this would include  
members from Local 1 and Local 5. The Chair ruled that all Local reps on the  
Provincial Executive were entitled to vote and to participate in the decision-  
making, and further, that under the Constitution, since the Provincial Executive  
has the responsibility of dealing with the matter, and since Section 7 of the  
Constitution defines the Provincial Executive as including the Provincial Reps  
then they shall have the right to participate.

## 2. MOTION

Elizabeth Brock (#1 Rep) Moved Jack Gegenberg (#6 Rep) Seconded  
That Section 19 (F) may not be interpreted to apply to finite acts that occurred  
before the adoption of Section 19 (F) of the Constitution.  
CARRIED

## 3. MOTION

Jack Gegenberg Moved Elizabeth Brock Seconded  
That the Provincial Executive interprets Section 19 (F) as applicable to acts that  
are initiated prior to the implementation of Section 19 (F), and are still  
continuing.  
CARRIED

## 4. MOTION

Sheila Rowswell (#1 Rep) Moved Elizabeth Brock (#1 Rep) Seconded  
That the Provincial Executive finds that the charges laid by Local 1 against  
Local 5 regarding affiliation to the Confederation of Canadian Unions are  
constitutional.  
CARRIED

## 5. MOTION

Jack Gegenberg (#6 Rep) Moved Lauma Avens (Prov. Co-ord.) Seconded  
That in view of the seriousness of the fine situation that we are dealing with, the  
entire matter shall be referred to a Special Convention to be heard within ninety  
(90) days and the entire Provincial Convention shall decide on the matter.  
DEFEATED

6. Local 5 members and other Local 5 representatives left the hearing after reporting  
that their membership had directed that they would not entertain participating in  
a hearing that decided the charges to be constitutional.

7. The hearing continued with Nancy Wiggs presenting the case for the actual charges, on behalf of Local 1. She cited Section 4 (e), 5(c), and 21 (d) as being those sections of the Constitution that her Local considered Local 5 had breached by their affiliation to the CCU.
8. There was no rebuttal from Local 5, as they had left.
9. The Chairperson asked for questions from the floor; there were brief remarks made about the charges.
10. MOTION  
Mary Mabin (#6 Rep) Moved  
Sheila Blace (Chairperson of the Provincial Trustees) Seconded  
That the AUCE Provincial Executive finds that in affiliating with the Confederation of Canadian Unions, Local 5 has violated the AUCE policy decision to affiliate to the Canadian Labour Congress by lobbying the Canadian Labour Congress.  
CARRIED (Unanimously)
11. The proceedings continued with some suggestions and discussion on what the recommendations could be in view of the motion carried, and suggestions were as follows: (not necessarily in this order)
- suspend the local indefinitely
  - suspend the local for 2 or 3 months
  - expell the local outright
  - reprimand the local without penalty
  - suspend for a certain length of time, i.e. 3 months, and if after 3 months Local 5 is still a CCU affiliate, then that local shall be expelled.
  - neither reprimand nor suspend nor expell the local, i.e. do nothing about their affiliation
  - call a Special Convention to consider the entire matter
12. MOTION  
Mary Mabin (#6 Rep) Moved  
Jack Gegenberg (#6 Rep) Seconded  
That the AUCE Provincial Executive reprimands AUCE Local 5 for joining the Confederation of Canadian Unions (CCU) in violation of a policy of AUCE and hereby calls a Special Convention to consider the matter and what further discipline would be appropriate.  
CARRIED
13. MOTION  
Jack Gegenberg Moved  
Sheila Rowswell (#1 Rep) Seconded  
That the Special Convention shall be held on Sunday October 4th, 1981, from 10:00 am to 5:00 pm at Britannia Community Centre in Vancouver.  
CARRIED
14. MOTION  
Sheila Perret Moved (Sec-Treas) ~~Moved~~  
Jack Gegenberg (#6 Rep) Seconded  
That the hearing be adjourned. (7:00 p.m.)  
CARRIED

In essence, the Provincial Executive conveyed its reprimand by letter, and has decided that if, and only if, there is to be any discipline levied against AUCE Local 5, then the Convention shall decide the matter.

attach. (1) Section 19 (F) of the AUCE Provincial Constitution, App. 'A'

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81/09/02

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Sheila N.L. Perret  
Secretary-Treasurer

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Lid Strand  
President

Date of the meeting that approved the minutes of the HEARING: \_\_\_\_\_, 1981.