

SEP 19 1980

MINUTES - AUCE PROVINCIAL EXECUTIVE MEETING - September 1980 7:30 p.m.

The meeting was held to deal specifically with the results of the second affiliation referendum ballot results.

The meeting started with an introduction of those present:

Lid Strand, President	Star Rosenthal, Local 2 Rep
Barbara Leighs, Vice-President	Jack Gegenberg, Local 6 Rep
Sheila Perret, Secretary-Treasurer	Mary Mabin, Local 6 Rep
Kitti Cheema, Local 1 Rep	Roger Perkins, Local 2 member visiting
Suzan Zagar, Local 1 Rep	

Absent:

Ada Ho, Organiser, on holiday  
Sheila Brown, Local 4 Rep, with notice  
Vicki Nunweiler, Local 5 Rep  
Katarina Halm, Interim Trustee, with notice

1. Suzan Zagar asked the Table Officers to report the results of their meeting, earlier in the week, held to discuss the results of the ballot.

Sheila Perret responded: Table Officers basically met to discuss the voting results, to consider the number of phone calls into the Provincial Office concerning questions about the status of the votes, and to consider the implications of the greatest number of abstentions ever resulting from a Provincial referendum ballot compared to the overall turn-out. We also discussed what the reports have been to us about why members chose to abstain on their ballots: weren't familiar with the issue, didn't like the options, didn't want AUCE to 'change', didn't want to decide, couldn't decide, hadn't enough information, paralleled their first affiliation ballot response, i.e. wanted AUCE to remain independent. We considered the uniqueness of the number of abstentions in relation to the amount of information that has gone out to the membership over the past 14 months. We also considered how different individuals have differing opinions about how the abstentions are to be considered when tabulating the returns; whether to be considered as 'votes cast', or as 'a decision to not decide, to not vote'. We considered the problems interpretation of the results will present to the Provincial Executive because this is the first time we have had a ballot on a question offering more than two options, plus abstentions, for the reply, i.e. instead of the 2nd ballot of the series asking a 'Yes'-'No'-'Abstain'-type question we had three options plus abstentions to consider when deciding how 'majority' shall be interpreted in this vote. We agreed that we had a plurality. We agreed that we did not have the 'mandate' to affiliate AUCE to the CLC. Mentioned gist of various phone calls re ballot count.

Barbara Leighs: We decided that we could not make a recommendation to the Provincial Executive, that we could only discuss the matter, and decided to refer the item for discussion to the Friday night meeting of the Provincial Executive, and to refer the agenda item for that evening, Local reports, to the Saturday agenda. Expressed concern over the number of phone calls re ballot.

2. Mary Mabin said that she thought the Provincial Executive ought to decide
  - 1) how to interpret the results. 2) And then how to proceed from
3. SP - it's a question of plurality vs majority meaning 50% + 1 of the ballots cast.
4. Kitti Cheema - expressed an opinion, that this was not a 50% + 1 majority, and not a mandate.

2/...

5. Jack Gegenberg - expressed opinion that we must go on to next ballot if we ~~don't~~ don't have a Special Convention.
6. MM - felt we could not proceed without an interpretation of the results. She stated that there were 3 things that made that interpretation difficult:
  - a) overall %-age of voters low compared to last ballot return
  - b) plurality - yes, majority - no.
  - c) Local by Local results divided - 2 locals CLC, 2 locals CCU, 1 local ABSTAIN, when counting option with most number of votes.
7. Roger Perkins - felt that the Special Convention had made the wrong decision about the form of the ballot. Stated that in his opinion, the spoiled ballots could not be considered. No way should ballot be stopped. Considered the results a mandate from the membership - those who have decided, have decided CLC over CCU. Others don't care to vote. It is undemocratic to consider a majority to be 50% + 1 of the returns. Must proceed to 3rd ballot.
8. BL The number of enquiries questioning the validity of the result meant that I had to re-consider an assumption I made at the ballot count. I went through dictionaries, the Provincial Constitution, Special Convention minutes... Dictionary says that majority means 50% plus 1 of the number, more than half of the total. Governments are elected on 30% and 40% 'votes'... Should have a Special Convention after the 3rd ballot because the Constitution does not provide the mechanism for either affiliation or merger, only succession.
9. Star Rosenthal talked to Carolyn Askew, Provincial's lawyer. Star's impression of CA's opinion was that the Convention is the highest decision making body and nothing can change the referendums on affiliation ballot process. The results mean different things in terms of the Labour Code. Results may be considered somewhat in same way as Municipal Election vote - plurality. Percentage of those who voted might not be considered relevant by the LRB. Star stated that AUCE's past practise has been usually to consider results in terms of plurality, mostly in terms of election of officials. Provincial Executive cannot change the process of affiliation ballots.
10. SZ - Her area of work, Library Processing Centre, co-workers voted to abstain because they didn't know what to do. Special Convention must be considered.
11. SP - violation of Local autonomy and membership democracy to consider going into the CLC, or going to the next ballot when Locals voted the way they did, as MM said earlier.
12. SR - 3 of 5 locals decided not to go CLC. Not very democratic to go on when only 138 out of approx 760 members at Local 2 voted to abstain. Can we afford a Convention?
13. RP - my legal interpretation is that the ballot is final, cannot be reversed. We have eliminated the CCU. Provincial Convention mandated the Provincial Executive to carry out the ballot process. Provincial cannot rule that the vote has been eliminated, must go on to 3rd ballot. Provincial does have power to call Convention.
14. KC - not a majority, not a mandate for the CLC. My co-workers did not want to join the CLC. What can a Special Convention accomplish? Is the big expense worth it?
15. JG - fundamental problem is, is the result of the ballot a mandate to go to the CLC?

15. JG, con't - Special Convention could only be called before 3rd theoretical ballot, to:
- establish clearer set of guidelines about how results to be interpreted.
  - consider plurality v.s. majority
  - consider how to consider abstentions - are they votes, they don't really exist or do they?
  - change the ballots so they don't have abstain.
  - direct Provincial Executive on interpretation of results.
16. MM - disagree with Roger on his interpretations of majority. Not a majority. And, abstentions should not be considered as votes against the CLC or CCU.
17. MM - Motion: Moved by Mary Mabin and Seconded by Suzan Zagar - That a Special Convention shall be called to:
- specifically discuss the interpretation of this specific ballot.
  - to decide how to proceed on affiliation.

Star raised financial concerns re convention expense. Roger misinterpreted what I said, the Provincial Executive has the management of the Association between conventions and on such a matter we have to consider the results very carefully, in order to manage the affairs of the Provincial. A Special Convention, by the Convention must be restricted to dealing with a particular issue, don't want a replay of the last Special Convention. Other thing Convention might do is change the Consitution to deal with affiliation.

BL - let's get legal advice. Worried about Special Conventions - participants on both sides of the debate of the last Special Convention, all I have talked to agreed that partisan politics interfered with the process of deciding what went on the ballot. Must avoid the politics. We are obviously split and Convention could split on issue.

SZ - must have a Special Convention, but there are cheap ways of having one.

RP - mandate does cause a problem. This is a legal ballot - has gone for the CLC.

MM - don't like 'idea' of Special Convention, but we must have one; cannot interpret this ballot result as a mandate. Can't proceed other way than Convention.

SP - to BL, cannot suppress the politics, problem is it's unfair to rest of membership that they don't know what the politics behind the opinions and positions are, it's a political issue that we are deciding on and has implications for the AUCE members' working lives, to suppress the political is impossible and unrealistic.

BL - was the failure of the last Special Convention to give more guidelines that's landed us here.

Moved by Star Rosenthal and Seconded by Barbara Leighs MOTION:  
That Mary Mabin's motion above, be tabled until after the Provincial Executive has decided on whether or not Provincial Executive can interpret this ballot.  
CARRIED.

18. Star Rosenthal Moved and Mary Mabin Seconded MOTION:  
That due to conflicting Constitutional and Legal interpretations of the results of the second in the series of the Affiliation Referend-a, the Provincial Executive will not assume the authority to interpret the results of this ballot.
- BL - opposed to the motion, the Provincial Executive must decide on interpretation. We must eventually go to ballot #3.

18. Motion - speaker's list continued:

LS - we do have the authority and the duty to decide. The decision must be to see the CLC as have the 'winner' for those who wanted to make a choice.

SR - Thought so too, until talking with lawyer.

KC - Interpretation of ballot results is not a vote for the CLC. No real need for a Special Convention. I propose that we give out our interpretation of the ballot results and carry on with the next ballot.

BL - twitching, so decide to pass..!

RP - pass.

JG - passing this motion will have repercussions. Must proceed, cannot interpret the results.

MM - to JG, proceeding is interpreting the results, proceeding also eliminates the results.

JG - amendment to Motion: To add -

'Therefore, the Provincial Executive recommends that a Special Convention be called.'

Failed for lack of a 2nd-er.

SR - Lawyer, CA, is familiar with AUCE Constitution, AUCE ballot structure, and based opinions on her familiarity.

SP - all previous referendums have had only 2 choices + abstain. Plurality in previous referendums is misleading to rely on for this referendum because we had another option. Lawyer said that only way we could change the ballot process, stop the process is to have a Special Convention. Because we do not feel we have a mandate we cannot stop the process; that can only be decided by a Convention, as the highest decision-making body.

VOTE on the motion - TIE VOTE 3 for, 3 against, 1 abstention.

President broke the tie, voted against.

MOTION defeated.

19. SP re-read MM's motion (tabled) on Special Convention.

Motion tabled UNTIL we have interpreted the results of the 2nd affiliation ballot.

20. MOTION: Moved by Jack Gegenberg and Seconded by Suzan Zagar

That the Provincial Executive does not consider the results of the second in the series of affiliation referendum to be a mandate or joining the CLC.

Motion WITHDRAWN after some discussion about including rationale.

21. MOTION: Sheila Perret Moved Kitti Cheema Seconded

That the term 'resulting majority', taken from the Special Convention Minutes, shall be interpreted by the Provincial Executive to mean: "at least 50% + 1, of the ballots cast.

TABLED.

22. RP - AUCE is founded on basis of democracy, there will be lots of trouble with this interpretation. This (can be seen) as a way of bending the results to suit personal interests.23. BL - objected to RP's statements, inference that interpretation of majority seen as manipulative. Main issue to consider is, whatever we decide on, can we justify our decision to the membership? We must be able to do that.24. MM - abstentions are ballots cast. (....z-z-z-z-z-z-z-z-z.....)

25. RP - LRB, lawyers, would rule abstentions to be illegal.

26. MOTION: Sheila Perret Moved

Moved that we conduct a referendum ballot of the Provincial Association to ask the membership to consider the following:

'ABSTAINS' on all referendum ballots of the Provincial Association shall be considered 'cast ballots'.

YES    NO    ABSTAIN   

(Groans and threats of violence here....) FAILED for lack of 2nd-er.

27. JG - Provincial Executive can only express an opinion. This is a political question for the Special Convention to decide.

27. Back to item #21, previous page: Motion re 50% + 1 interpretation - 2 for, 3 against, 2 abstentions.  
DEFEATED.

28. MOTION: Barbara Leighs Moved Sec Seconded by Mary Mabin.

That a Special Convention be called to consider:

a) whether an abstention shall be considered a ballot cast;

and,

b) whether a referendum ballot is to be inserted in the current affiliation referendum ballot process, to consider the following:

'Do you want to affiliate to the CLC?' YES    NO    ABSTAIN   .

Ruled Out-of-Order because same idea as MM's motion (#17, page 3) which is tabled until after we decide on interpretation of ballot.

29. MOTION: Sheila Perret Moved Mary Mabin Seconded

That the meeting continue until 11:30 p.m.

CARRIED

30. MOTION: Mary Mabin Moved Jack Gegenberg Seconded

Whereas the 'CLC' received a plurality, but not a majority, of the votes cast in the second referendum on affiliation, and

Whereas the Special Convention on Affiliation ruled that each of these referendum ballots on affiliation shall be decided by a 'resulting majority',

Be it Resolved That the Provincial Executive does not consider this result

of the second ballot on affiliation to be a mandate to proceed to the third ballot in the series of affiliation referend-a, and

Further Be It Resolved That a Special Convention be called to consider:

a) whether 'abstentions' are to be considered ballots 'cast' in this series of affiliation referend-a, and,

b) whether a referendum ballot on affiliation shall be inserted in the current affiliation process, to consider the following question:

'Do you want to affiliate to the CLC? YES    NO    ABSTAIN   .'

Procedural MOTION: Star Rosenthal Moved Barbara Leighs Seconded  
to consider first the 'mandate' part of the motion. (1st part only) (i.e. defer Special Convention reference.)

CARRIED

First part of the motion, item #30, CARRIED.

31. MOTION: Moved by Mary Mabin      Seconded by Jack Gegenberg  
 That in light of the previous motion, in item #30, first part, a Special Convention shall be called to consider:  
 a) whether 'abstentions' are to be considered 'ballots cast' in this series of affiliation referend-a, and  
 b) whether a referendum ballot shall be inserted in the current affiliation process, to consider to following question:  
 'Do you want to affiliate to the CLC? YES    NO    ABSTAIN   '.

Procedural MOTION:  
 Mary Mabin Moved      Barbara Leighs Seconded  
 That this item (#31) be tabled to 4:00 p.m. on Saturday, Sept. 20/80 so that we can have time to think about it.

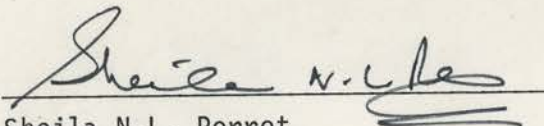
AMENDED  
 Suzan Zagar Moved      Jack Gegenberg Seconded  
 that the time be 10:00 a.m. instead of 4:00 p.m.  
 CARRIED


Main motion - CARRIED

32. MOTION: Mary Mabin Moved      Kitti Cheema Seconded  
 That the discussion, tomorrow, on this issue, shall be limited to 1 hour.  
 FAILED

33. ADJOURNED at 11:30 p.m.

Next meeting 10:00 a.m., September 20, 1980 at AUCE Provincial Office.  
 Regular monthly business will be deferred until after discussion completed on AFFILIATION topic.

  
 \_\_\_\_\_  
 Sheila N.L. Perret  
 Secretary-Treasurer

  
 \_\_\_\_\_  
 Lid Strand  
 President

Lid Strand

80/09/19