

By-Laws of Teamsters Canada



ARTICLE I

NAME

SECTION 1.

This organization shall be known as Teamsters Canada and shall consist of an unlimited number of Local Unions and Joint Councils, chartered by the International Brotherhood of Teamsters, hereinafter referred to as the International Union, located in Canada. Trade divisions shall be approved by the Executive Board of Teamsters Canada.

OBJECTS

SECTION 2.

Teamsters Canada is dedicated to promoting the interests of its affiliates and generally to furthering the economic and social well-being of the Canadian membership. To this end, the objects of the organization are:

To establish national policies on behalf of the organization, to coordinate action by the affiliates in support of such policies, and to utilize the combined strength of our membership in implementing such policies;

To provide services to the affiliates, including organizing, education, research, collective bargaining, legislative action, political action, communications, public relations and direct membership services;

To achieve through our close association, a stronger bond of fraternity and understanding among the representatives of our organization;

To never discriminate against a member on grounds of race, nationality or ethnic origin, colour, religion, age, sex, sexual orientation or disability;

To engage in civic, community and charitable activities;

To advance our organization's standing in the community and in the labour movement;

To strengthen and preserve our fraternal bond with the labour movement;

To speak for our members on national labour issues; and

To represent the affiliates and the Canadian membership within the International Union, and to ensure that substantive actions of the International Union which affect Canadian Teamsters are taken with due recognition of and respect for the national sovereignty of Canada, in consultation with and in consideration of the recommendations of the elected officers of Teamsters Canada.

It is recognized that the problems with which Teamsters Canada is accustomed to deal are not limited to unionism or to organizing and collective bargaining alone, but encompass a broad spectrum of objectives as set forth above and as Teamsters Canada may determine from time to time; we, therefore, determine and assert that the participation of Teamsters Canada, individually and with other organizations, in pursuit and attainment of the objectives set forth herein is for the sole benefit of our members, Teamsters Canada and the International Union.

ARTICLE II

REPRESENTATION AND CONVENTIONS

SECTION 1.

The regular Convention of Teamsters Canada shall be held every four (4) years at such appropriate place and date as shall be fixed by the Executive Board. The Executive Board is empowered to call a special Convention of Teamsters Canada at any time when in its opinion conditions warrant or require a special Convention. The Executive Board shall give notice of the date and site not less than ninety (90) days in advance of the regular Convention of Teamsters Canada, and not less than thirty (30) days in advance of a special Convention of Teamsters Canada. Any special Convention of Teamsters Canada shall contain in the call the subject or subjects which are to be

considered by such special Convention and subjects not contained in the call may not be considered by such special Convention.

BASIS OF REPRESENTATION

SECTION 2.

Each affiliated Local Union having one thousand (1000) members or less shall be entitled to one (1) delegate, and one (1) additional delegate for each additional seven hundred and fifty (750) members or major fraction thereof, and these delegates shall be members in good standing of their respective Local Union. The number of delegates to which a Local Union is entitled shall be determined in accordance with the twenty-four (24) month averaging provisions of the International Constitution.

Delegates shall be designated by the Local Union Executive Board in the following order of priority:

(1) principal officer of the Local Union provided that he/she has been elected to the Local Union Executive Board;

(2) remaining elected officers of the Local Union Executive Board;

(3) elected full-time representatives of the Local Union; and,

(4) appointed Executive Board officers, appointed full-time representatives and other members in good standing of the Local Union.

In the event the principal officer or any other prospective delegate is otherwise designated to be a delegate, or is either unable or unwilling to serve as a delegate, the Local Union Executive Board shall designate a qualified replacement as a delegate on behalf of the Local Union. Each Joint Council located within the jurisdiction of Teamsters Canada shall be entitled to two (2) delegates who shall be either officers or organizers of the Joint Council. The Executive Board of the Joint Council shall designate the delegates subject to the requirements of this provision with officers of the Joint Council having first priority as delegates.

Each delegate shall be allowed one (1) vote. No proxy vote shall be allowed. All officers of the International Union, International

Representatives and International Organizers assigned to Teamsters Canada, by virtue of their position, shall be delegates to the meetings of Teamsters Canada. However, any such International Union officer or organizer shall not be entitled to vote unless he/she has also been selected as a delegate from a Local Union or Joint Council in the manner set forth in this Section. Any person designated by the General President shall have the right to attend and participate in Area meetings of Teamsters Canada, its Executive Board, and its various divisions, but shall have no right to vote unless qualified under other provisions of these By-Laws.

Local Unions and Joint Councils may designate alternate delegates in accordance with the foregoing paragraph.

REQUISITES FOR REPRESENTATION

SECTION 3.

A Local Union or Joint Council that is not chartered by, affiliated with and in good standing with the International Union, shall not be entitled to representation at the Conventions of Teamsters Canada. All delegates to the Conventions of Teamsters Canada must be in good standing with their respective Local Unions.

SECTION 4.

Any other organization may participate in the Conventions of Teamsters Canada and its trade divisions in accordance with any agreement between such organization and the International Union relating thereto.

SECTION 5.

All monies due Teamsters Canada must be received by the office of Teamsters Canada as provided by the International Constitution.

EXPENSES OF DELEGATES

SECTION 6.

Each affiliated Local Union shall pay the expenses of its delegates to the Conventions of Teamsters Canada.

CREDENTIALS

SECTION 7.

Each organization shall, after the selection of delegates and alternates, forward their respective names to the office of Teamsters Canada. Such credentials properly executed by the affiliated organization must be in the office of Teamsters Canada not less than thirty (30) days before the date on which the Convention of Teamsters Canada convenes.

If credentials are not forwarded within the time set forth above, the question of seating those delegates shall be determined by majority vote of the seated delegates.

The Executive Board of Teamsters Canada shall appoint from the delegates a Credentials Committee of not less than three (3). Said Committee shall meet at the place of the Convention of Teamsters Canada at least two (2) days prior to the opening of the Convention. This Committee shall have its partial or complete report ready for the Convention when it opens.

QUORUM

SECTION 8.

A quorum shall consist of a simple majority of the delegates accredited to and seated at any Convention of Teamsters Canada.

ARTICLE III

OFFICERS AND ELECTIONS

SECTION 1.

The Officers of Teamsters Canada shall consist of a President/International Vice President, two (2) International Vice Presidents, Regional Officers representing the four (4) regions within Teamsters Canada, and three (3) Trustees. The President, International Vice Presidents and Regional Officers shall constitute the Executive Board of Teamsters Canada.

SECTION 2.

President: There shall be a President of Teamsters Canada who shall be elected every five (5) years as President of Teamsters Canada/International Vice President by Canadian members in good standing in direct rank and file voting according to the provisions of Article IV of the International Constitution.

SECTION 3.

International Vice Presidents: In addition to the President of Teamsters Canada there shall be two (2) International Vice Presidents from Teamsters Canada who shall be elected every five (5) years as International Officers by Canadian members in good standing in direct rank and file voting according to the provisions of Article IV of the International Constitution.

SECTION 4.

Regional Officers: There shall be officers of the Executive Board from each of the four (4) regions within Teamsters Canada, with representation as follows:

Two (2) officers from the province of British Columbia and the Yukon Territory;

Two (2) officers from the Prairie provinces of Alberta, Saskatchewan, Manitoba, and the Northwest Territories.

Three (3) officers from the province of Ontario and the Atlantic provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland, one (1) of whom shall be from the Atlantic provinces; and

Two (2) officers from the province of Quebec.

International Vice Presidents provided for in Section 3 of this Article shall serve as regional officers of the Executive Board from their respective regions by virtue of their election as International Officers. The remaining regional officers of the Executive Board shall be elected for four (4) year terms by a vote of the eligible delegates at the regularly scheduled Convention of Teamsters Canada in accordance with this Section 4.

Notwithstanding the provisions of this Section 4, no regional officer shall be displaced from his/her position on the Executive Board during his/her term of office as a result of the election of an International Vice President, or as the result of an appointment to fill a vacancy in the office of International Vice President.

Nominations of regional officers shall be made by eligible delegates in open session of the Convention and the election shall be by secret ballot vote. The election shall be supervised by an Election Committee appointed by the Executive Board. The Election Committee shall be comprised of delegates who are not candidates for election as officers of Teamsters Canada.

Only delegates to the Convention who represent Local Unions or Joint Councils affiliated with Teamsters Canada shall be eligible to vote, nominate and second a nomination. Such delegates shall elect officers of the Executive Board from each of the four (4) regions within Teamsters Canada, with delegates from each region electing officers from that region. Within any region, only those delegates representing a Local Union or a Joint Council in the region shall be eligible to vote, nominate and second a nomination of a candidate from that region for election to the Executive Board.

Any Local Union or Joint Council delegate who is in continuous good standing for the twenty-four (24) consecutive months prior to the Convention in his/her Local Union shall be eligible for election to the Executive Board. Any such delegate is eligible for election to the Executive Board from his/her region.

No Local Union shall be entitled to more than one (1) regionally-elected officer on the Executive Board. Where there is more than one (1) candidate from a Local Union, the candidate receiving the highest number of votes shall be declared elected.

No Prairie province shall be entitled to more than one (1) regionally-elected officer on the Executive Board. Where there is more than one (1) candidate from a Prairie province, the candidate receiving the highest number of votes shall be declared elected.

In the event of a tie vote, the candidates shall resolve such tie by lot.

SECTION 5.

Trustees: There shall be three (3) Trustees who shall be elected for four (4) terms by a vote of the eligible delegates at the regularly scheduled Convention of Teamsters Canada in accordance with this Section 5.

Nominations of Trustees shall be made by eligible delegates in open session of the Convention and the election shall be by secret ballot vote. The Election shall be supervised by the Election Committee provided for in Section 4 of this Article.

Only delegates to the convention, who represent Local Unions or Joint Councils affiliated with Teamsters Canada shall be eligible to vote, nominate and second a nomination. Such delegates from all Local Unions and Joint Councils shall elect the Trustees. Any Local Union or Joint Council delegate who is in continuous good standing for the twenty-four (24) consecutive months prior to the convention in his/her Local Union shall be eligible for election as a Trustee.

No Local Union shall be entitled to more than one (1) Trustee as an officer of Teamsters Canada. Where there is more than one (1) candidate from a Local Union, the candidate receiving the highest number of votes shall be declared elected.

No region shall be entitled to more than one (1) Trustee as an officer of Teamsters Canada. Where there is more than one (1) candidate from a region, the candidate receiving the highest number of votes shall be declared elected.

In the event of a tie vote, the candidates shall resolve such tie by lot.

SECTION 6.

International Union Officers: The International Union officers from Canada shall consist of the President of Teamsters Canada, who

shall also be an International Vice President, and two (2) regional Vice Presidents, consistent with Article IV, Section 1(a) of the International Constitution.

The Vice President/President of Teamsters Canada and two regional Vice Presidents shall be officers of the Executive Board of Teamsters Canada, commencing upon the effective date of their installation as International officers, regardless of the prior composition of the Executive Board of Teamsters Canada and regardless of the region from which the International Vice President was elected.

The President of Teamsters Canada shall be the Principal Officer of Teamsters Canada and the Chairperson of the Executive Board. He shall be responsible for maintaining liaison with the General President and the International Union on behalf of Teamsters Canada and the Canadian membership. He shall have the authority and general supervision over the affairs of Teamsters Canada which shall be conducted in accordance with the International Constitution and these By-Laws, and subject at all times to review and approval of the Executive Board of Teamsters Canada.

The General President shall consult with the President of Teamsters Canada regarding the assignment in Canada of the two regional International Vice Presidents. The President of Teamsters Canada may assign the two regional Vice Presidents to perform work in Canada, provided that those tasks do not conflict with the performance of their assignments from the General President.

In the event a vacancy occurs in the office of regional International Vice President from Canada, the General President shall fill the office by appointment, pursuant to Article VI, Section 1(a) of the International Constitution and subject to approval by the General Executive Board. Prior to such appointment, the General President shall consult with the President and Executive Board of Teamsters Canada to seek their recommendation regarding the replacement.

In the event a vacancy occurs in the office of International Vice President/President of Teamsters Canada less than one (1) year prior to the first day of the month in which the next regular International Convention is scheduled to convene, the Executive Board of Teamsters Canada shall recommend, and the General President shall appoint, a replacement from among the elected regional International Vice Presidents from Teamsters Canada. The resulting vacancy in the office

of regional International Vice President shall be filled in accordance with this Section 6.

In the event a vacancy occurs in the office of International Vice President/President of Teamsters Canada one (1) year or more prior to the first day of the month in which the next regular International Convention is scheduled to convene, the Executive Board of Teamsters Canada shall call a Special Convention of Teamsters Canada for the purpose of nominating candidates for the office of President of Teamsters Canada. Members of the Executive Board of Teamsters Canada and delegates from Canadian affiliates shall be eligible for nomination. Delegates and alternate delegates elected to the most recent Convention of the International Union shall have the first priority as delegates and alternates to any Special Convention called for the purpose of nominating an individual for the office of President of Teamsters Canada. Additional delegates shall be selected in accordance with the By-Laws of Teamsters Canada, if necessary. In the event more than one eligible candidate is nominated, an election shall be conducted by secret ballot vote of the Canadian membership in a mail ballot referendum. The election shall be conducted under the supervision of the Executive Board of Teamsters Canada, which shall have the authority to make all arrangements to conduct the election. In the interim, the affairs of Teamsters Canada shall be administered in the manner set forth in Article IV of these By-Laws.

In the event of a vacancy in the office of the President, the Recording Secretary shall assume the authority of the President and shall call a meeting of the Executive Board to be held within ten (10) days for the purpose of making a recommendation to the General President. Where the vacancy occurs less than one (1) year prior to the International Convention the Executive Board shall recommend an International Vice President from Teamsters Canada to fill the vacancy for the unexpired term. The resulting vacancy on the Executive Board shall be filled as provided by these By-Laws and the International Constitution. Where the vacancy occurs one (1) or more years prior to the International Convention the Executive Board shall recommend an International Vice President from Teamsters Canada to serve as Acting President until the vacancy is filled for the unexpired term by a secret ballot vote of Canadian members in good standing in a mail referendum election, or, in the event the position is uncontested, until the vacancy is filled by acclamation at the special Convention. Any vacancy on the Executive Board which results from this election shall be filled as provided in these By-Laws and the International Constitution.

In the event of a vacancy in a regionally-elected position on the Executive Board, the Executive Board shall appoint a representative to fill the vacancy for the unexpired term, in accordance with Article XXII, Section 9 of the International Constitution. Vacancies shall be filled by an elected officer from a Local Union or Joint Council in the region in which the vacancy occurs.

SECTION 7.

The President shall assume his/her official duties as the principal officer of Teamsters Canada and Chairperson of the Executive Board immediately upon installation as President of Teamsters Canada/International Vice President.

The Regional Officers and Trustees shall be installed immediately following their election and shall assume their official duties at the close of the Convention of Teamsters Canada.

International Officers on the Executive Board of Teamsters Canada may be removed in accordance with the applicable trial procedures of the International Constitution. Other officers of Teamsters Canada may be removed in accordance with these same trial procedures with charges to be filed with the Recording Secretary of Teamsters Canada. Trial of any other such officer of Teamsters Canada shall be before the Executive Board at such time and place as fixed by the Executive Board. A substitute member of the trial panel for the officer charged or bringing the charge shall be appointed by the remaining members of the Executive Board of Teamsters Canada. The officer charged shall be found guilty only by a majority vote of the uninvolved members of the trial panel who have heard the charges. Appeals from the decision of the Executive Board of Teamsters Canada shall be to the General Executive Board of the International Union. Charges by, against, or involving a majority of the officers of Teamsters Canada shall be filed with the General Executive Board in accordance with the terms of the International Constitution. All appeals from decisions of the General Executive Board will be taken in accordance with the terms of the international Constitution.

ARTICLE IV

EXECUTIVE BOARD DUTIES AND POWERS

SECTION 1.

In the period between regular Conventions of Teamsters Canada the Executive Board shall be the governing body of Teamsters Canada, with power to make policies, appropriate and expend monies and exercise all of the powers that are granted to it in these By-Laws or are otherwise appropriate to the attainment of the objects set out in Article I, Section 2, hereof.

The President shall be authorized to act on behalf of the Executive Board and carry out and perform any of the acts and duties provided in Article IV on behalf of the Executive Board between Executive Board meetings.

The President shall be Chairperson and ex officio member of all committees of Teamsters Canada and/or its trade divisions.

SECTION 2.

Such powers, duties and authority shall include, but are not limited to the following:

To supervise the affairs of Teamsters Canada.

To authorize increasing the number of officers on the Executive Board of Teamsters Canada in response to significant and substantial growth in the membership in Canada.

To propose for consideration by and approval of the General President, the appointment of officers, representatives and members of Teamsters Canada to various positions, including International Representatives, members of the Ethical Practices Committee panel for Teamsters Canada, and International committees, caucuses, delegations and trade divisions.

To propose for consideration by and approval of the General Executive Board, the issuance and modification of charters, resolution of jurisdiction disputes, application of "Mutual Aid and Assistance Pacts" with other unions, mergers with other unions, and affiliation with other labour organizations.

To preserve and protect the assets of Teamsters Canada and its affiliates for the benefit of the members in Canada.

To grant financial assistance to affiliated organizations subject to such conditions as may be imposed by the Executive Board. In such situations the Executive Board shall be authorized to make an examination of any and all financial records of said affiliated organization.

To authorize the borrowing of money, the encumbrancing of assets, and the signing of notes, mortgages and all other papers necessary to such transaction.

The Executive Board, in addition to the granting of financial assistance set out above, may give aid and assistance, monetary or otherwise, to such persons or organizations or take any action which it determines to be deserving and in the best interest of the Labour Movement.

To interpret these By-laws and decide all questions of law thereunder subject to appeal to the General President.

To appoint a panel of uninvolved members of the Executive Board to hear charges against Executive Board officers.

To assist in all labour disputes involving Teamsters Canada subject to the provisions of the International Constitution, and the By-laws of Teamsters Canada.

The Executive Board shall have the authority to provide such allowances, salary and expenses as may be deemed appropriate for those persons selected from the executive Board to carry out assigned duties.

The Executive Board shall distribute copies of the regular financial statements and certified audits of Teamsters Canada to the Joint Councils, Local Unions and other subordinate bodies.

The Executive Board shall appoint a member of the Executive Board as Recording Secretary to keep an accurate record of the proceedings of all Executive Board meetings.

SECTION 3.

Executive Board meetings shall be held at a time and place designated by the Executive Board. Meetings may be called at any

time and place designated by the Executive Board. Meetings may be called at any time and place on call of the President.

In cases of emergency, the Executive Board may act by long-distance telephone conference call and/or mail or telegram poll, and action taken in such conference call or by mail or telegram poll, shall have the same effect as if the Executive Board was in formal session.

SECTION 4.

The Executive Board is authorized to waive payment of per capita tax and any other fees owing to Teamsters Canada by a Local Union prospectively and/or retroactively whenever the Executive Board determines that such waiver is in the best interest of Teamsters Canada and the International Union. In such situations, the Executive Board shall be authorized to make an examination of any and all financial records of the Local Union and report with respect to the same to the General President.

SECTION 5.

The Executive Board is authorized to take whatever action it deems appropriate with respect to any accounts receivable to Teamsters Canada, where, after due and proper investigation, the Executive Board determines that said accounts cannot be collected in whole or in part.

SECTION 6.

The Executive Board shall be responsible for bonding all personnel necessary to protect the assets of Teamsters Canada.

SECTION 7.

The Executive Board shall make arrangements for the Trustees to examine the books of Teamsters Canada on a semi-annual basis. The Trustees shall sign the books only if they find no irregularity. In the event a Trustee declines to sign the books, the Trustee must state in writing to the President his/her reasons for declining to do so.

SECTION 8.

A quorum shall consist of two-thirds (2/3) of the members of the Executive Board. No proxy vote will be allowed.

ARTICLE V

AUDITS

The Executive Board shall employ a certified public accountant to audit the books of Teamsters Canada annually and at such other times as directed by the Executive Board.

ARTICLE VI

REVENUES

SECTION 1 (a).

The revenue of Teamsters Canada shall be derived from a per capita tax on every affiliated Local Union of one dollar and thirty cents (\$1.30) per member per month in effect since July 1, 1987, one dollar and thirty-five cents (\$1.35) per member per month effective September 1, 1993, one dollar and forty cents (\$1.40) per member per month effective September 1, 1994, one dollar and forty-five cents (\$1.45) per member per month effective September 1, 1995 and one dollar and fifty cents (\$1.50) per member per month effective September 1, 1996. The amount of per capita tax due Teamsters Canada shall be based on the same number of units as applies to payment of per capita tax to the International Union. Per capita tax for the current month is payable to Teamsters Canada not later than the twentieth (20th) day of the succeeding month.

SECTION 1 (b).

Teamsters Canada will be supported by a monthly twenty cent (20¢) per capita payment from the International Union in accordance with Article X, Section 3(e) of the International Constitution, as well as by a monthly subsidy from the International Union of forty cents (40¢) per member to be paid for an indeterminate period of time.

SECTION 2.

Any Local Union three (3) months in arrears shall automatically stand suspended and shall not be entitled to any assistance from Teamsters Canada, or to representation at Conventions of Teamsters Canada, until it is reinstated to good standing. The International Union shall be notified immediately of any such suspension.

ARTICLE VII

TEAMSTERS CANADA STRIKE FUND ASSESSMENT

SECTION 1.

The Executive Board of Teamsters Canada shall establish a Teamsters Canada Strike Fund for the exclusive purpose of providing out-of-work benefits to members of local unions affiliated with Teamsters Canada. This Fund shall be separate from other funds of Teamsters Canada and shall operate in place of any out-of-work benefit provisions and funding requirements of the International Constitution.

The Teamsters Canada Strike Fund shall be financed by an assessment on the members of every affiliated local union of two dollars (\$2.00) per member per month effective January 1, 1995. This assessment shall be paid to and receipted by the local unions pursuant to Article X, Section 5 of the International Constitution. Assessments are due and payable to Teamsters Canada, with payment for the current month to be forwarded in a separate amount from per capita tax not later than the twentieth (20th) day of the succeeding month.

The Teamsters Canada Strike Fund shall be held in Canada in a Canadian financial institution in the name of Teamsters Canada. The Strike Fund will be managed for the exclusive benefit of the Canadian membership, subject to authorization and control of the Executive Board of Teamsters Canada, which will have sole legal responsibility for the funds. Withdrawals from the Fund shall require the signatures of the President of Teamsters Canada and a regionally-elected International Vice President for Teamsters Canada designated by the Executive Board of Teamsters Canada.

APPROVAL OF EXECUTIVE BOARD

SECTION 2.

Any Local Union going out upon strike without prior recognition thereof by the Executive Board of Teamsters Canada [or by the President or his authorized representative where less than two hundred (200) employees are involved] as being a strike properly subject to the payment of out-of-work benefits, under the provisions of

these By-Laws, may be denied financial benefits from Teamsters Canada provided for by these By-Laws.

OUT-OF-WORK BENEFITS

SECTION 3 (a).

Out-of-work benefits in strikes recognized as properly subject to the payment of out-of-work benefits or relief in cases of lockouts, etc., shall be paid to all members not in arrears for dues in excess of one (1) month and otherwise in good standing, who are members of a Local Union not more than one (1) month in arrears in per capita tax, at the rate of two hundred dollars (\$200.00), per week. Such out-of-work benefits will be payable at the end of the second (2nd) week of the strike or lockout; but in no case shall a fraction of a week's out-of-work benefits be allowed nor the first (1st) week of a strike or lockout be paid for; provided, that in the last week of a strike the first four (4) days or more of such strike shall be considered a week. A dues arrearage of not more than one (1) month, and current dues, shall be deducted from the first (1st) payment of benefits and fully credited to the member or members so in arrears so as to maintain such member or members in good standing and preserve his or their rights, if any, to financial benefits. All eligible members shall be entitled to the out-of-work benefits provided for herein for such a period of time as the Executive Board of Teamsters Canada shall determine.

SECTION 3 (b).

A Local Union may adopt a Bylaw provision reducing the monthly dues of a member who is on strike for two (2) weeks or more during a calendar month. In no event may the dues be reduced below the minimum dues being paid to the Local Union.

REQUIREMENT FOR PAYMENT OF OUT-OF-WORK BENEFITS

SECTION 4 (a).

No Local Union shall receive benefits from Teamsters Canada unless the Local Union has been six (6) months in good standing; provided, that Local Unions chartered for a period of six (6) months or less prior to applying for benefits must have been in continuous good standing from the time of their chartering in order to be eligible for benefits. Benefits shall be paid to all other member employees of the primary employer at

all terminals or places of employment of the primary employer involved if such member employees shall have become unemployed as a direct result of a strike involving other Teamster member employees, which strike has been approved pursuant to Section 2, and benefits shall also be paid to member employees of an exclusive Contract Hauler employer if such member employees shall have become unemployed as a direct result of a strike involving other Teamster member employees of customers of the exclusive Contract Hauler; provided, the Executive Board of Teamsters Canada or the President was advised of the possibility that such member employees might become unemployed as a direct result of such a strike, and provided further, the Executive Board or the President shall have approved the payment of benefits to such member employees at the time of approving the request for benefits. The President may at his discretion disburse benefit payments through a representative designated by him.

SECTION 4 (b).

A Local Union more than one (1) month in arrears for per capita tax or any other obligation payable to Teamsters Canada, Joint Council, Local Union or any other subordinate body, shall not be entitled to benefits; and should a Local Union become three (3) months in arrears for per capita tax, or any other obligation as above set forth, it shall stand suspended and shall not be entitled to benefits for three (3) months after all arrears have been paid.

SECTION 4 (c).

No member of a Local Union on strike shall be entitled to weekly benefits unless he reports to the proper officers of the Local Union or Teamsters Canada as prescribed by the Executive Board, and no member who shall receive a week's work [three (3) days to be considered a week] shall receive benefits. Any member refusing to work for an employer considered fair, while on strike, shall be debarred from all benefits.

SECTION 4 (d).

Notwithstanding the provisions of these By-Laws, the Executive Board of Teamsters Canada [or the President if less than two hundred (200) employees are involved] may authorize the payment of out-of-work benefits in any case where it determines that such payment is in the best interest of Teamsters Canada.

SECTION 4 (e).

Notwithstanding the provisions of these By-Laws, out-of-work benefits may be paid to employees who have designated Teamsters Canada or a subordinate body as their collective bargaining agent in connection with organizing campaigns, even though the employees have not yet become members; subject, however, to the condition that there is otherwise full compliance with all other applicable provisions of these By-Laws concerning the payment of out-of-work benefits. Any out-of-work benefits paid under this subsection shall be paid at the rate of one hundred dollars (\$100.00) per week.

SECTION 4 (f).

Prior to submission to Teamsters Canada, all requests for the approval of out-of-work benefits shall be submitted to the appropriate Joint Council, or regionally-elected Vice President where there is no Joint Council, for their recommendation as to whether the request should be approved or disapproved. The recommendations of the Joint council, or regionally-elected Vice President shall not be binding upon the Executive Board of Teamsters Canada, nor shall such recommendations be binding upon the President in situations in which less than two hundred (200) employees are involved.

REPORTS

SECTION 5 (a).

Concurrent with the request for approval of benefits in the event of strike or lockout, the Local Union Secretary-Treasurer shall send to the President of Teamsters Canada a list of all members that the Local Union has determined will be eligible for the first week's benefits.

SECTION 5 (b).

The Local Union Secretary-Treasurer shall immediately notify the President of Teamsters Canada of the beginning date of strike or lockout. The President shall, on or about the end of the second (2nd) week and each succeeding week of strike or lockout, forward to the Local Union Secretary-Treasurer or his deputy a cheque covering a sufficient amount to pay each week's benefits, and he shall also furnish the Local Union with sheets in duplicate, listing all members declared eligible by the Local Union Secretary-Treasurer.

SECTION 5 (c).

The Local Union Secretary-Treasurer or deputy shall require each member to sign on the provided list for the amount he has received and shall then forward the original copy of the executed list to the

President of Teamsters Canada, retaining a carbon copy of the same in the Local Union's files. Any additions to or deletions from the original list of persons eligible for benefits for the next week shall be separately submitted.

SECTION 5 (d).

Receipt of properly executed lists in due time at the office of the President of Teamsters Canada shall be an obligation of the Local Union, and subsequent payment to the Local Union by Teamsters Canada shall be contingent thereon.

SECTION 5 (e).

The Local Union Secretary-Treasurer shall immediately notify the President of Teamsters Canada of the termination date of strike or lockout.

SECTION 5 (f).

Failure on the part of any Local Union to comply with the requirements set forth in this Section will be sufficient cause for discontinuance of payment of benefits to a Local Union.

SECTION 5 (g).

If at any time during or after a strike the President of Teamsters Canada determines that out-of-work benefits have been distributed in a manner inconsistent with the procedures established in this Article, the Local Union shall be liable for the return of any improperly distributed benefits to Teamsters Canada.

TERMINATION OF BENEFITS

SECTION 6.

The President of Teamsters Canada with the concurrent approval of two-thirds (2/3) of the Executive Board, and after having given the subordinate body the right to appear before, or make a written submission to, the Executive Board before action is taken, shall have the power to terminate the financial aid of Teamsters Canada when satisfied upon facts and information in their possession that the support of a strike or lockout should cease.

The President with the concurrent approval of two-thirds (2/3) of the Executive Board, shall have the power to reduce, alter or terminate the financial aid of the Teamsters Canada Strike Fund whenever the Strike Fund balance is below five hundred thousand dollars

(\$500,000.00) or for other reasons deemed necessary by the Executive Board.

RETURN OF UNUSED FUNDS

SECTION 7.

All monies from Teamsters Canada remaining unused by the Local Union at the close of the strike or lockout shall be returned at once to the President of Teamsters Canada.

LOCKOUT

SECTION 8.

Among other circumstances, a declaration on the part of an employer, or a combination of employers, to the effect that their employees must cease their connection with Teamsters Canada or cease work, shall be deemed a lockout. Also a lockout shall be deemed to exist when an employer refuses to permit his employees to continue at work unless such employees agree to a substantial and material breach of an existing agreement or refuses to permit work with or without stated reasons or conditions. In case a lockout is reported to Teamsters Canada, the President of Teamsters Canada, subject to the right of the Local Unions involved to appeal to the Executive Board, shall have the authority to make a ruling on whether the difficulty is a bona fide lockout. In the event of a lockout, out-of-work benefits shall be paid under the same terms and conditions as set forth in Article VII, Section 3, excepting that neither strike votes nor prior notice to Teamsters Canada shall be required as a condition of eligibility and such out-of-work benefits shall be payable at the end of the second week of the lockout. Out-of-work benefits shall be paid to all other employees of the primary employer at all terminals or places of employment of the primary employer if such member employees shall have become unemployed as a direct result of a lockout, as defined in this Section, directed against other Teamster member employees of the primary employer. Out-of-work benefits shall also be paid to the employees of an exclusive Contract Hauler employer if such member employees shall have become unemployed as a result of a lockout, as defined in this Section, directed against any other Teamster member employees of customers of the exclusive Contract Hauler.

SECTION 9.

Nothing herein contained concerning the manner of calling strikes or concerning the legality of strikes for the purpose of obtaining the payment of Teamsters Canada out-of-work benefits shall affect the legality of the strike in respect to the employer against whom the Local Union instituted such strike; nor shall any provision contained herein concerning strike recognition for payment of out-of-work benefits be intended to constitute Teamsters Canada a party to such strike or lockout.

In approving the payment of out-of-work benefits under any section of this Article VII, Teamsters Canada is not required and does not undertake to inquire into, or pass upon, the legality of any strike, work stoppage or lockout under contracts or applicable provincial or federal law and assumes no responsibility in this respect.

ARTICLE VIII

FUNDS OF TEAMSTERS CANADA

Funds or assets under the control of Teamsters Canada shall not be transferred, surrendered or set over, by assignment, gift, loan or any other device whatsoever, to any individual, committee or other legal entity other than a Local Union, Joint Council and/or Trade Division affiliated with Teamsters Canada, except for the protection or preservation of Teamsters Canada.

No other such action shall be undertaken so as to preclude the enforcement of any legal rights of the International Union with respect to such funds and property.

ARTICLE IX

ALLOWANCES, EXPENSES AND BENEFITS

SECTION 1.

Allowances: Employees of Teamsters Canada may be granted an allowance in such amount (daily, weekly, or monthly) as may be determined by the President with the approval of the Executive Board. The granting of such allowance shall be in recognition that employees of Teamsters Canada must participate in cultural, civic, political,

fraternal and educational activities in addition to their specific duties provided in these By-laws, that such activities benefit the organization and the members, and that the time spent in such activities is unpredictable and unascertainable.

In addition, all Executive Board members and employees may be reimbursed for, or provided credit for, all expenses incurred in connection with recognized activities as may be determined by the President with the approval of the Executive Board.

SECTION 2.

Expenses: When a representative of Teamsters Canada or a supplier of services is engaged in activities for Teamsters Canada and its members, the Executive Board may compensate such representative or supplier of services in such amount as may be determined by the President with the approval of the Executive Board.

SECTION 3.

Benefits: The President, with the approval of the Executive Board, may from time to time provide additional benefits to Executive Board members and employees and representatives of Teamsters Canada, including, but not limited to, vacations with pay, holidays, sick leave, time off for personal leave, and, in connection therewith any disability or sickness, health and welfare and retirement benefits and activities, and facilities relating thereto, and may from time to time provide additional compensations and allowances or other terms of employment.

SECTION 4.

Automobile Allowances: Teamsters Canada may provide its officers or employees with automobiles; in lieu thereof, Teamsters Canada may pay them an allowance for use of their automobiles in such amount or at such rate as shall be approved by the President. In instances where Teamsters Canada provides an automobile, title to the automobile shall remain at all times in the name of Teamsters Canada.

It is recognized that such officers or employees are required to be on instant call at all times, may be required to garage such automobiles, and are responsible for their safeguarding.

Accordingly, for the convenience of Teamsters Canada and as partial compensation for such additional responsibilities, such officers

and employees shall be permitted private use of such automobiles on a round-the-clock continuous basis, including private use when the automobiles are not required on Teamsters Canada business. The President is empowered to buy, sell, exchange or lease automobiles, or arrange financing therefore on behalf of Teamsters Canada. The President is also empowered to arrange such insurance as may be necessary to protect the interests of Teamsters Canada.

SECTION 5.

Travel Provisions: The President, for the purpose of promoting the interests and welfare of Teamsters Canada and the making of diplomatic contacts with other organizations and institutions, may at his/her discretion travel in North America, or with the approval of the Executive Board, abroad. The Executive Board shall provide for all expenses and allowances of the President when performing the services mentioned herein the said expenses and allowances shall include travel in North America and abroad, and all Executive Board and staff assistance which he/she deems necessary while so engaged. The expenses and allowances provided for herein are in addition to all other compensations and allowances.

ARTICLE X

INTERNATIONAL CONSTITUTION SUPERSEDES

Teamsters Canada acknowledges that the Constitution of the International Union supersedes any provisions of these By-Laws which are inconsistent with such Constitution. Teamsters Canada hereby readopts, as its Constitution, such International Constitution, and incorporates herein by reference, as though fully set forth herein, all such provisions of such Constitution, as it may be interpreted, modified, or amended from time to time.

The International Director shall implement and carry out the policies and programs of the International Union in the area defined as Teamsters Canada.

ARTICLE XI

PARLIAMENTARY PROCEDURE

Robert's Rules of Order are hereby adopted as the authority on disputed questions involving parliamentary procedure. However, on all rulings of the Chair which have been approved by majority action of delegates seated, such rulings shall be final and conclusive. All rulings of the Chair which are not challenged during the meeting shall be final and conclusive.

ARTICLE XII

CONTRACTS

Local Unions and/or Joint Councils shall forward to the Research Departments of the International Union, Teamsters Canada, and their Joint Council, copies of all completed collective bargaining agreements entered into, or amendments or extensions thereof, within sixty (60) days of execution, together with a list of the names and locations of employers, types of industry and number of employees covered by such agreements.

ARTICLE XIII

LIABILITY

Neither Teamsters Canada, nor any division, committee, Executive Board member, or agent thereof shall be liable for any strike, picketing, or other action of any Local Union or Joint Council.

ARTICLE XIV

SAVINGS CLAUSE

If any provision of these By-laws shall become invalid by operation of Canadian law or declared invalid by any competent Canadian authority, the Executive Board, by majority vote of all of its members, shall have the power to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision and said substituted provision shall be effective until the next regular or special Convention of Teamsters Canada. If any article or section of these By-laws should be held invalid by operation of Canadian law or by a

competent Canadian authority, the remainder of these By-laws or the application of such article or section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.

ARTICLE XV

TRADE DIVISIONS

SECTION 1.

Subject to the provisions of Article XVI, Section 4 (a) of the International Constitution, various trade divisions shall operate within Teamsters Canada and these shall consist of member unions having representation in such divisions as agricultural, automotive, bakery, beverage, building and construction, cannery, chauffeurs, chemical, dairy, general hauling, laundry, master freight, miscellaneous, public, professional and hospital employees, sugar, warehouse and such other trade divisions as the President, with the consent of the Executive Board, may establish. Each Local Union affiliated with Teamsters Canada shall be a member of the trade division or divisions in the craft in which its members are employed. The rules and adopted policies of each trade division shall be approved by the Executive Board. Each Local Union shall abide by the rules adopted by the trade division of which it is a member and shall follow and be bound by the resolutions or other actions enacted by said division.

SECTION 2.

Subject to approval by the Executive Board, the President shall appoint a Director for each trade division. The Division Director shall be responsible to the division and the Executive Board. The Division Director shall preside at all meetings of his/her division and with the approval of the Executive Board shall call such trade division meetings at such times and places as he/she deems necessary. Any action taken by a majority present at any regular or specially called trade division meeting shall bind all Local Unions who are members of Teamsters Canada with respect to policies affecting that particular trade.

ARTICLE XVI

AMENDMENT TO THE BY-LAWS

SECTION 1.

The Executive Board shall name a committee on By-laws. Except as provided under Article XIV, all proposed changes and amendments to the By-laws shall be submitted to the Committee in writing not later than thirty (30) days prior to the opening session at the Convention of Teamsters Canada. This shall not deprive delegates to the Convention of their right to propose amendments or additions to the By-laws during the Convention or to submit resolutions or to amend resolutions during the Convention in accordance with the rules governing the Convention of Teamsters Canada. However, in all instances a proposed amendment or addition to the By-laws or a resolution or amendment to a resolution shall be referred to the By-laws Committee.

SECTION 2.

Amendments to the By-laws shall be adopted by a two-thirds (2/3) vote of the delegates present assembled.

ARTICLE XVII

ADOPTION OF BY-LAWS

These By-laws shall become effective immediately upon adoption and approval of the General President.