

# TEAMSTERS CANADA RAIL CONFERENCE BYLAWS



# TCRC

These **Conference Bylaws**, **Division Rules**, **General Committee Rules**, **Legislative Board Rules** are in effect on and after January 1, 2004, except such laws as become effective at such other time as indicated by action of the Rail Conference.

**REVISED 2006**

**THIS SECTION, entitled "Teamsters Canada Rail Conference Bylaws," has to do principally with the operation of the Rail Conference, the Rail Conference Office and the Rail Conference Officers.**

## **Mission**

**To unite into one labour organization all railway workers eligible for membership, regardless of religion, race, creed, colour, national origin, age, physical disability or sex;**

**To engage in organizing workers to provide the benefit of unionism to all workers and to protect and preserve the benefits obtained for members of this organization;**

**To secure improved wages, hours, working conditions and other economic advantages through organization, negotiations and collective bargaining, through legal and economic means, and other lawful methods;**

**To provide educational advancement and training for employees, members and officers;**

**To safeguard, advance and promote the principle of free collective bargaining, the rights of railway workers, and the security and welfare of all the people by political, educational and other community activity;**

**To engage in cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social and other activities which further the interests of this organization and its membership directly or indirectly;**

**To provide financial and moral assistance to other labour organizations or other bodies having purposes and objectives in whole or in part similar or related to those of this organization;**

**To protect and preserve the Union as an institution and to perform its legal and contractual obligations;**

**To carry out the objectives of the international Union and Teamsters Canada as an affiliate thereof and its duties as such as an affiliate;**

**To receive, manage, invest, expend or otherwise use the funds and property of this organization to carry out the duties and to achieve the objectives set forth in these Bylaws, the International Constitution and the Bylaws of Teamsters Canada and for such additional purposes and objects not inconsistent therewith as will further the interests of this organization and its members, directly or indirectly.**

**It is recognized that the problems with which this labour organization is accustomed to deal cannot be resolved in isolation but require achievement of a broad spectrum of economic and social objectives as set forth above and as the Union may determine from time to time; we, therefore, determine and assert that the participation of this labour organization, individually and with other organizations, in the pursuit and attainment of the objectives set forth herein are for the benefit of the organization and its members.**

**Note: For purpose of clarity, President of the Teamsters Canada Rail Conference will be referred to as "Rail Conference President" in this section. "President" will refer to "President of the division".**

# INDEX

**THIS LIST IS PROVIDED AS A CONVENIENT AID FOR SEARCHING SECTIONS LOCATED IN THE RAIL CONFERENCE BYLAWS.**

SECTION		PAGES
1	Title, Location and Departments.....	4
2	Officers and Members of the Rail Conference.....	4
3	Jurisdiction of the Rail Conference.....	5
4	Initiative.....	5
5	Meeting of the Rail Conference.....	5, 6
6	Election and Terms of Office within the Rail Conference.....	6, 7
7	Duties of the Rail Conference President.....	7, 8
8	Duties of the Vice Presidents.....	8, 9
9	Duties of the Secretary Treasurer.....	9
10	Duties of the Recording Secretary.....	9
11	Duties of the Trustees.....	10
12	Special Representatives.....	10
13	Expenses and Automobile of Rail Conference Officers.....	10, 11
14	Powers and Duties of the Rail Conference Executive Board.....	11, 12, 13
15	Officers – Generally.....	13, 14
16	Delegates to International Brotherhood of Teamsters.....	14
17	Credentials - Delegates to the Rail Conference.....	14
18	Representation of Division to Rail Conference.....	14, 15
19	Delegates to Rail Conference - Term of Office.....	15
20	Delegates to Rail Conference – Qualifications.....	15
21	Delegates – Division Not Square on Books.....	15
22	Delegates - Rail Conference Special Session – New Division.....	15
23	Delegates to Rail Conference – How paid.....	16
24	Delegates to Rail Conference – Salaried.....	16
25	Delegates to Rail Conference – Reporting to Divisions.....	16
26	Delegates to Rail Conference Excused.....	16
27	Rail Conference Dues and Assessments.....	16, 17
28	Dues and Assessments – When Payable to Rail Conference.....	17
29	Fiscal Year – Liability for Non-payment.....	17
30	Convention Committees Rail Conference.....	17
31	Bylaws Committee.....	17
32	New Divisions.....	17, 18
33	Merging Divisions.....	18
34	Resolutions to Rail Conference –When Presented.....	18
35	Order of Business.....	18, 19
36	Laws – How Changed.....	19
37	Working Rules - Rail Conference.....	19
38	Employment Eligibility – Officers and Employees of the Rail Conference	20
39	Annual Salaries - Officers of the Rail Conference.....	20
40	Vacations - Officers of the Rail Conference.....	20
41	Rules of Order - Rail Conference.....	20
42	Savings Clause.....	20
43	Law in Effect.....	20
99	Sample Resolution.....	21

**SECTION 1****TITLE, LOCATION AND DEPARTMENTS**

- 1 a) This organization shall be known as Teamsters Canada Rail Conference and shall encompass all  
2 Railway Divisions and General Committees representing railway workers.
- 3 b) The principal office of this Conference shall be located in the City of Ottawa, Province of Ontario, or at  
4 such other place as the Conference Executive Board may designate. The organization may have such  
5 other suboffices within the country of Canada as the Conference Executive Board may require from  
6 time to time.
- 7 c) All books, records and financial documents shall be kept at the principal office of the Rail Conference.
- 8 d) Divisions will be individually chartered groups identified by a number assigned by the Rail Conference.
- 9 e) The officers of the Rail Conference shall be elected from the membership, as stipulated in Section 6,  
10 and shall be: the President, Vice-President(s), Secretary-Treasurer, Recording Secretary and three (3)  
11 Trustees (auditing committee). These officers collectively shall constitute the Executive Board.
- 12 f) In addition, there shall be elected from the delegates **three (3) Alternates**. ~~for each Rail Conference~~  
13 ~~position. It shall be understood that the elected alternates shall be used to fill temporary or~~  
14 ~~permanent vacancies on the Rail Conference Executive Board in the order of their election as set forth~~  
15 ~~herein. Should any office on the Rail Conference Executive Board, other than the President,~~  
16 ~~the office of the President become vacant, such vacancy shall be filled by a majority vote of the~~  
17 ~~remaining members of the Executive Board from among the remaining members of the~~  
18 ~~Executive Board and elected Alternates.~~ **member of the Executive Board, elected by a majority**  
19 **vote of such board. In the event there is a vacancy in the office of President, the vacancy**  
20 **shall be filled by the Vice President.** ~~Should the list of duly elected aAlternates become depleted,~~  
21 ~~such further replacements to the Executive Board, between~~ **Conventions of the Rail Conference,**  
22 **such further replacements to the Executive Board shall be filled** in accordance with Section 6  
23 (d) —TCRC of these Bylaws. ~~Should the Alternate Secretary-Treasurer be used to fill the position of~~  
24 ~~Secretary-Treasurer and subsequently vacate the position of Secretary-Treasurer for any reason, such~~  
25 ~~vacancy shall be filled by a member of the Executive Board or from the membership, elected by a~~  
26 ~~majority vote of the Executive Board. Alternate officers will not be entitled to a seat on the Executive~~  
27 ~~Board unless such alternate officers are serving in the capacity of the active offices to which they have~~  
28 ~~been elected as alternates.~~

29 ~~Note: Beginning January 1, 2006, eligibility to run for office will be determined by the applicable~~  
30 ~~provisions of the IBT Constitution as modified in Paragraph 6.8 of the Merger Agreement.~~

**SECTION 2****OFFICERS AND MEMBERS OF THE RAIL CONFERENCE**

- 31 a) In convention of the Teamsters Canada Rail Conference, the governing body of the Rail Conference  
32 shall be the duly elected delegates as provided in Sections 19 and 20 - TCRC Bylaws. The Rail  
33 Conference, in convention assembled, shall be composed of the President, Vice President, Secretary-  
34 Treasurer, and a Recording Secretary and (3) three trustees and the duly elected delegates as  
35 provided in Sections 19 and 20 - TCRC Bylaws.
- 36 b) Between conventions of the Rail Conference, the Executive Board shall have authority to make any  
37 decision and perform any act or duty on behalf of the Rail Conference which is not in conflict with or  
38 otherwise provided for in the Constitution of the International Brotherhood of Teamsters (IBT),  
39 Teamsters Canada Bylaws (TC) or the Teamsters Canada Rail Conference (TCRC) Bylaws; and such act  
40 or decision shall stand as law for all divisions and members unless appealed under applicable  
41 provisions of the IBT Constitution.

**SECTION 3****JURISDICTION OF THE RAIL CONFERENCE**

- 1 a) The Rail Conference shall have full and exclusive jurisdiction over all railway employees and subjects  
2 pertaining to the Rail Conference.
- 3 b) The Rail Conference ~~and all divisions organized~~ **or any other subordinate body** under the authority  
4 of the Rail Conference shall have the power to purchase real estate, and hold same, which may be  
5 used for the purpose of carrying on their business, as provided in these Rail Conference Bylaws. The  
6 Rail Conference and all divisions shall have the authority to require and execute bonds for all officers  
7 who occupy places of trust who handle any of the funds of the organization.

**SECTION 4****INITIATIVE**

- 8 a) (i) The governing body of the Rail Conference, between meetings of the Rail Conference shall be vested  
9 in the active membership as defined in Section 25(b) – Division Rules, to be exercised by ballot under  
10 the initiative process, to be put in effect in the following manner:
- 11 (ii) Whenever twenty-five percent (25%) of the active membership, or divisions representing twenty-  
12 five percent (25%) of the active membership, sign a petition to change the TCRC Bylaws, it will be  
13 mandatory upon the Rail Conference President to prepare a ballot with the question worded as  
14 presented in the petition, to be voted on by all those holding active membership in the Rail  
15 Conference. The ballot must be put out by the Rail Conference President within thirty (30) days of  
16 receipt of the request, and sent to every active member by government mail. The ballot must be  
17 returned to a post-office box in a location established by the executive board for that purpose, within  
18 sixty (60) days from the date it was mailed from the Rail Conference office. This does not preclude  
19 electronic voting; the means to be determined by the Rail Conference executive board.
- 20 (iii) The Rail Conference President shall appoint a committee composed of three (3) active members  
21 for the purpose of counting the returned ballots. The committee will report the results of the return to  
22 the Rail Conference President.
- 23 (iv) The Rail Conference President will, upon receiving the results of the return, show the results of the  
24 initiative in the next issue of the newsletter. It will then be mandatory upon the Rail Conference  
25 President to place in effect the decision of the membership immediately.
- 26 (v) Any proposition put before the active membership for their decision cannot be resubmitted for a  
27 period of two (2) years.
- 28 (vi) Any enactment of the membership under this section shall remain in full force and effect unless  
29 repealed by the same method or by convention two (2) or more years after enactment of same.
- 30 (vii) In order to carry a proposition under the initiative process, it will be necessary that twenty-five  
31 percent (25%) of the active membership, or divisions representing twenty-five percent (25%) of the  
32 active membership, sign for the initiative. It will require a majority of the ballots cast to carry the  
33 proposition.
- 34 b) In the event twenty-five percent (25%) of the active membership, or divisions representing twenty-five  
35 percent (25%) of the active membership, have not filed a request in writing with the Rail Conference  
36 President or the Secretary-Treasurer within twelve (12) months from the time the first request is filed  
37 instituting an initiative, no consideration will be given such request until another twelve (12)-month  
38 period has elapsed, after which it will be necessary to reinstate the initiative by filing new petitions.

**SECTION 5****MEETING OF THE RAIL CONFERENCE**

- 39 a) The convention of the Rail Conference shall be held quadrennially, **with** the date and place ~~to be~~  
40 designated by the Executive Board **on a rotating basis between Eastern Canada and Western**  
41 **Canada with the Manitoba – Ontario border being the dividing line.** The date for the

- 1 convention to convene shall be not earlier than the first Monday in May or later than the first Monday  
2 in October.
- 3 b) The length of time the convention shall be in session shall not exceed three (3) consecutive calendar  
4 days.
- 5 c) (i) The Rail Conference President shall notify all general committees, legislative boards and divisions  
6 not later than January 15 of the convention year as to the decision of the Executive Board regarding  
7 the date and place of holding the convention.
- 8 (ii) Between regular quadrennial conventions if two-thirds (2/3) of the divisions, or divisions  
9 representing two-thirds (2/3) of the active membership, petition the Rail Conference President to  
10 convene the Rail Conference in special convention, he shall, within sixty (60) days, set a date for  
11 holding said special convention, except that a special session of the convention will not be called to  
12 convene in the regular convention year.
- 13 (iii) The Rail Conference in special convention assembled shall handle only those subjects that are set  
14 out in the notices, which require the Rail Conference to be convened in special session.
- 15 d) A majority of the accredited delegates shall constitute a quorum for the transaction of business of  
16 meetings of the Rail Conference.
- 17 e) The authority vested in a delegate shall continue as long as such delegate retains his qualifications and  
18 until such a time as a qualified successor is elected and installed.
- 19 f) Regularly qualified delegates shall be subject to a call to assemble at any time during their term of  
20 office.

## SECTION 6

## ELECTION AND TERMS OF OFFICE RAIL CONFERENCE – FILLING VACANCIES

- 21 a) At the National Quadrennial Convention delegates shall nominate candidates for the position of  
22 President, Vice President(s) and Secretary-Treasurer by a motion made by a delegate and seconded by  
23 another delegate. The candidate cannot make or second his/her own nomination and must accept or  
24 reject the nomination at the time it is made in person or in writing. To qualify for the ballot as a  
25 candidate for any of these positions, a candidate who has been nominated from the floor must  
26 thereafter receive at least five (5%) percent of the votes cast by the delegates in attendance. Such  
27 voting will be conducted in accordance with the working rules of the convention.
- 28 No less than two (2) months and no more than four (4) months after the Convention candidates  
29 nominated for the ballot for the offices of President, Vice President(s) and Secretary-Treasurer shall be  
30 elected by a direct rank and file voting by members in good standing to serve for a term of four (4)  
31 years, except as provided by TCRC Bylaws or until their successors are elected and installed, unless  
32 they have been removed for cause. All voting shall be by secret ballot and in accordance with IBT  
33 Constitution, Article IV Section 3 (b) (c) and Section 5.
- 34 b) Should only one (1) nomination be made for any office, the presiding officer will cast a ballot to elect  
35 the candidate by acclamation.
- 36 c) Nominations for the offices of Recording Secretary and three (3) Trustees and all alternate positions  
37 will be by a motion made by a delegate and seconded by another delegate. The candidate cannot  
38 make or second his/her own nomination and must accept or reject the nomination at the time it is  
39 made in person or in writing. All delegates in attendance at the convention shall vote for and elect the  
40 candidates for these offices by secret ballot to serve for a term of four (4) years, except as provided by  
41 TCRC Bylaws or until their successors are elected and installed, unless they have been removed for  
42 cause.

- 1 d) In the event any office of the Rail Conference should become vacant as a result of death, or otherwise,  
2 and there is no alternate to appoint in accordance with Section 1 (f) – TCRC Bylaws, the officer highest  
3 in rank shall call into session the Rail Conference Executive Board who shall, by a majority vote, fill  
4 such vacancy from the membership until the next meeting of the Rail Conference

## **SECTION 7 DUTIES OF THE RAIL CONFERENCE PRESIDENT**

- 5 a) The Rail Conference President shall be the principal officer of the Railway Conference and shall preside  
6 at all meetings of the Rail Conference and at the expiration of his term of office, shall deliver to his  
7 successor all books, papers, etc. belonging to the Rail Conference and shall be bonded in accordance  
8 with Article X, Section 7(a) of the IBT Constitution.
- 9 b) The Rail Conference President shall render interpretations of these bylaws.
- 10 c) (i) The Rail Conference President shall, with the concurrence of a majority of the Executive Board,  
11 decide all controversies which may be appealed from divisions; and after careful examination of the  
12 subject, he shall forward to the divisions making the appeal, the written decision of the board in the  
13 case; and such decision shall be final and binding unless reversed in accordance with applicable appeal  
14 provisions of the IBT Constitution.
- 15 (ii) Decisions involving administrative matters shall not be subject to appeal to the Executive Board.
- 16 (iii) In the event a dispute arises as to whether or not a controversy is properly related to  
17 administrative matters, it shall be referred to the next Convention of the Rail Conference, which shall,  
18 by a majority vote, of the assembled delegates decide whether or not it will hear and rule on the  
19 matter in question.
- 20 d) The Rail Conference President shall have the authority to demand and review the records of any trial  
21 conducted in a division when same is brought to his attention by any division or member of the Rail  
22 Conference. Should it be apparent from the records of such trial that it has not been conducted or  
23 disposed of in accordance with the law and evidence, he shall have the power to order a new trial of  
24 the case and direct that a complete record of same be forwarded to the Rail Conference Office.
- 25 e) Upon receipt of the complete record of the trial ordered in Section 7(d) above, same will be reviewed  
26 by the Executive Board. If, after a careful review of the evidence, the Executive Board decides that  
27 such evidence does not sustain a finding of guilt, said Board shall be empowered to set aside such  
28 verdict. A written report of the Board's decision shall be sent to the aggrieved member and the division  
29 to which he belongs. Any division refusing to apply the decision of the Executive Board will have its  
30 charter suspended at the direction of the Executive Board; such charter to be held by the Rail  
31 Conference President, until said order has been complied with.
- 32 f) Should an officer of a division, or any member of a committee of a division, member of a GCA or any  
33 member of a legislative board refuse to carry out any of the requirements of these Bylaws, all facts  
34 relating thereto will be forwarded to the Rail Conference President; and, if found guilty, after having  
35 been served with written specific charges, given a reasonable time to prepare a defence and afforded a  
36 full and fair hearing, the Rail Conference President shall be empowered to remove such offending  
37 member from office. Such offending member shall not be reinstated, except by direction of the Rail  
38 Conference President, or upon appeal such member is reinstated under applicable provisions of the IBT  
39 Constitution.
- 40 g) If at any time the Rail Conference President has knowledge that the books of the secretary-treasurer of  
41 any division or committee subordinate to the Rail Conference are in such condition that an additional  
42 audit should be made, he shall be empowered to authorize such audit at any time; and the Rail  
43 Conference President's representative shall have access to all books and papers of such office.
- 44 h) The Rail Conference President may appoint permanent and temporary Special Representatives to  
45 render assistance.

- 1 i) There shall be maintained in conjunction with Teamsters Canada a Department responsible for  
2 education, training and Strategic Planning.
- 3 j) The Rail Conference President shall be in charge of and have the direction of **V**ice **p**Presidents, **e**Craft  
4 **d**irectors, **N**ational **L**egislative **D**irector and Special Representatives.
- 5 k) The Rail Conference President shall submit to each Bylaws Committee his recommendation and/or  
6 recommendations relative to amendments of the law of the Rail Conference.
- 7 l) The Rail Conference President shall be the chairman of the Executive Board and no meeting of the  
8 Executive Board shall be legal unless the Rail Conference President is involved, or authorizes the Vice  
9 President to act in his behalf in any decision or act by the Executive Board.
- 10 m) The Rail Conference President shall have the authority to grant annual vacations to the officers and  
11 Special Representatives of the Rail Conference, in accordance with the Collective Bargaining  
12 Agreement in effect on the property where they hold seniority.
- 13 n) The Rail Conference President shall have the authority to employ counsel to defend the Rail  
14 Conference against any action brought against it arising out of its labour activities.
- 15 o) In the performance of the Rail Conference President's duties as prescribed in this Section 7,  
16 paragraphs (h) through (j), the Executive Board shall not enter into any employment contract that  
17 binds the Rail Conference beyond their current term of office, and each such contract shall include a  
18 clause expressly setting forth said term limitation. Any such contract shall include a provision that  
19 permits the Rail Conference to terminate the services of the employee, if the employee's performance  
20 does not meet the contract specifications, or for valid, non-discriminatory business reasons, upon a  
21 maximum of 120 days' written notice of termination. The Rail Conference President shall provide a  
22 copy of any employment contract executed by the Executive Board to the Rail Conference's secretary-  
23 treasurer, who will file same in the Rail Conference's financial records, within ten (10) days of  
24 execution, and any such contract not so filed shall be null and void.
- 25 **p) Upon request from a majority of the affected General Chairmen, the Rail Conference**  
26 **President will provide a Vice President or a representative acceptable to the General**  
27 **Chairmen to assist in national negotiations. In these circumstances the General Chairmen**  
28 **on this National Committee will have their expenses paid by the National Office in**  
29 **accordance with the National Office's travel policy.**
- 30 **q) The Rail Conference President shall cause to be published a newsletter on a quarterly**  
31 **basis to be distributed to every active member. Such newsletter publication shall report**  
32 **on the activities of the Executive Board and shall include decisions made by the Board in**  
33 **relation to the activities of the Conference. The newsletter publication shall also include**  
34 **material submitted by any subordinate bodies of the union. The newsletter shall also be**  
35 **placed on the website for any member wishing to read it online.**
- 36 **r) The Rail Conference President shall be responsible to maintain and distribute annually a**  
37 **directory of all Divisions, GCA's, Legislative Boards and the Executive Board to each**  
38 **General Chairman, Provincial Legislative Board Chairman, Local Chairman and Division**  
39 **Secretary-Treasurer.**

## SECTION 8

## DUTIES OF THE VICE PRESIDENTS

- 40 a) The Vice President shall perform any and all duties as directed by the Principal Executive Officer and  
41 render such assistance as may be directed by the Principal Executive Officer.
- 42 ~~b) The Vice President will be responsible for legislative matters / governmental affairs.~~

- 1 ~~e~~b) The Vice-President shall be bonded in accordance with Article X, Section 7(a) of the IBT  
2 Constitution.

## SECTION 9

## DUTIES OF THE SECRETARY-TREASURER

- 3 (a) The Secretary-Treasurer shall perform all the duties imposed upon Rail Conference Secretary-  
4 Treasurers by the IBT Constitution and these Bylaws, and in general perform all duties incident to  
5 the office and such other duties as from time to time may be assigned by the Principal Executive  
6 Officer, the Rail Conference Executive Board or the members by resolution. The Secretary-Treasurer  
7 shall see that all notices and reports shall be given in accordance with the provisions of the IBT  
8 Constitution, Teamsters Canada Bylaws and these Conference Bylaws or as required by law. Such  
9 officer shall make at least quarterly a report including the assets and liabilities of the Conference and  
10 shall keep itemized records showing the source of all monies received and spent, and shall keep  
11 records, vouchers, work sheets, books and accounts and all resolutions to verify such report.
- 12 (b) **The Secretary-Treasurer of the Rail Conference shall distribute a copy of the annual audit**  
13 **to each Division within thirty (30) days of it being accepted and approved by the TCRC**  
14 **Executive Board.** The Secretary-Treasurer, upon request of any member, shall make available to  
15 the member a copy of the last annual report. Such officer shall also make available for inspection by  
16 any member or members at the Conference's principal office, during regular business hours, any prior  
17 annual report and any other document which is subject by statute to such inspection. Copying of any  
18 financial record to which a member is entitled by law shall be permitted provided that the member  
19 pays the actual cost of duplication. Membership lists shall not be copied.
- 20 (c) The Secretary-Treasurer shall have custody of the Conference seal and the records of the  
21 proceedings of all meetings of the Rail Conference Executive Board, as prepared by the Recording  
22 Secretary, or such person as is authorized to take such proceedings; and shall keep important  
23 documents, papers, correspondence, as well as files on contracts and agreements with employers for  
24 the benefit of all officers and staff of the principal office.
- 25 (d) The Secretary-Treasurer shall keep a correct account of all income and expenditures by the Rail  
26 Conference and shall provide receipts for any dues, initiations fees, or other fees, assessments or  
27 fines or other monies received which are not shown by the employer on t-4 slips issued to the  
28 employee or member. The Secretary-Treasurer will not make any payments from the Rail  
29 Conference's funds until receiving bills or receipts evidencing the goods or services to be paid for.  
30 The Secretary-Treasurer shall enter all receipts in the name of the Rail Conference and shall deposit  
31 all monies in accordance with Article X, Section 9 of the IBT Constitution.
- 32 (e) The Secretary-Treasurer shall provide each new member with a free copy of the International  
33 Constitution, Teamsters Canada Bylaws and Rail Conference Bylaws.

## SECTION 10

## DUTIES OF THE RECORDING SECRETARY

- 34 a) It shall be the function of the Recording Secretary to attend meetings of the Rail Conference  
35 Executive Board and to keep minutes of the proceedings. Minutes shall reflect motions made at  
36 meetings and shall specify their adoption or rejection. Minutes shall specifically include all financial  
37 transactions approved at the meeting.
- 38 b) The Recording Secretary shall keep a record of the names of the members comprising each  
39 committee and handle all correspondence of the Rail Conference assigned by the principal executive  
40 officer or authorized by membership resolution. In such officer's absence, the President shall appoint  
41 an officer of the Executive Board to act as Recording Secretary pro tempore who shall have the  
42 duties set forth above.

**SECTION 11****DUTIES OF THE TRUSTEES**

1 It shall be the duty of the Trustees to conduct or have conducted a quarterly examination of the books of  
2 the Rail Conference and the results thereof shall be reported at the next Rail Conference Executive Board  
3 meeting. They shall sign the books of the Secretary-Treasurer if they have found them to be correct and  
4 have verified the bank balances. In the event that a Trustee declines to sign the books, the Trustee must  
5 state in writing to the Rail Conference President and Rail Conference Secretary-Treasurer his reasons for  
6 declining to do so. A Trustee's disagreement with an expenditure properly authorized by the Executive  
7 Board or membership shall not be a valid basis for refusing to sign the books. The Trustee's reports shall  
8 be sent to the Rail Conference President and the General Secretary-Treasurer, as required by the IBT  
9 Constitution and Teamsters Canada Bylaws. They shall receive and review the original surety bond  
10 covering each officer, employee and representative of the Rail Conference required to be bonded, and  
11 retain it at the Conference's principal office. They shall have the duty to see that such bonds are current  
12 and enforceable. In the event of the unavailability of a Trustee, the remaining Trustees or Trustee shall  
13 perform the above functions. In performing their functions, the Trustees may avail themselves of the  
14 services of the certified public accountants retained by the Rail Conference Executive Board.

**SECTION 12****SPECIAL REPRESENTATIVES**

15 The Rail Conference President shall have authority to place Special Representatives in the field at his  
16 discretion, but not to exceed two (2) permanent Special Representatives. When exercising this authority,  
17 the Rail Conference President may select one (1) or more Special Representatives to provide training  
18 and/or education to the divisions, general committees and provincial legislative board chairmen. The Rail  
19 Conference President shall have authority to remove any Special Representative if found incompetent or  
20 when his usefulness has terminated. Elected officers may be appointed as Special Representatives.

**SECTION 13****EXPENSES AND AUTOMOBILE OF RAIL CONFERENCE OFFICERS**

## 21 a) Allowances

22 Recognizing that the officers and representatives of this organization do not work regularly scheduled  
23 hours and receive no compensation for overtime or premium pay; also recognizing that such individuals  
24 are required to pay varying amounts for lodging and meals depending upon the city in which they  
25 travel, which amounts are sometimes less, but more often more than the allowances given them; and  
26 recognizing that they must participate in cultural, civic, legislative, political, fraternal, educational,  
27 charitable, social and other activities in addition to their specific duties as provided in the IBT  
28 Constitution, Teamsters Canada Bylaws and these Bylaws, that such duties benefit the organization and  
29 its members and that the time spent in such activities is unpredictable and unascertainable, such  
30 officers and representatives may be granted an allowance (both for in-town and out-of-town work,  
31 respectively, which in the case of out-of-town work shall include hotel and meal expenditures) in such  
32 amount (daily, weekly or monthly) as the Rail Conference Executive Board may determine. In addition  
33 to the allowances set forth above, all officers and employees may be reimbursed or credited for all other  
34 expenses incurred in connection with their activities, provided that no officer or employee receives more  
35 than one (1) payment for the same expense.

## 36 b) Expenses

37 When a representative of the organization is engaged in activities in the interest of or for the benefit of  
38 the organization and its members within the scope of such individual's authority, the labour organization  
39 shall pay the expenses incurred therein, or reimburse the representative upon receipt of itemized  
40 vouchers from such individual or the supplier of such services, provided that the representative does not  
41 receive an allowance for these expenses or reimbursement from any other source.

## 42 c) Automobile Allowance

43 The Rail Conference may provide its officers or representatives with automobiles, or in lieu thereof, they  
44 may provide a monthly allowance and per km rate in such amount as approved by the Rail Conference

1 Executive Board. In such instances where the Rail Conference provides an automobile, title to the  
 2 automobile shall remain in the name of the Rail Conference until such time as the Rail Conference  
 3 decides to dispose of the vehicle. It is recognized that such officers or employees are required to be on  
 4 instant call at all times, may be required to garage such automobiles and are responsible for their  
 5 safeguarding. Accordingly, for the convenience of the union and as partial compensation for such  
 6 additional responsibilities, such officers shall be permitted private use of such automobiles on a round-  
 7 the-clock basis when the automobiles are not required on union business.

8 d) Benefits

9 The Rail Conference Executive Board may from time to time provide the terms and conditions of  
 10 employment for officers, employees and representatives of this organization including, but not limited  
 11 to, such fringe benefits as vacations with pay, holidays, sick leave, time off for personal leave, and, in  
 12 conjunction therewith, any disability or sickness, health and welfare and retirement benefits and  
 13 activities, and facilities relating thereto, and may from time to time provide changes therein, as well as  
 14 additional compensations and allowances. Any such benefit adopted by the Executive Board shall be  
 15 specifically set forth in the minutes of the Executive Board meetings. The Rail Conference Executive  
 16 Board or the Principal Executive Officer is authorized to make to any Rail Conference officer or  
 17 employee advances on salary and/or vacation pay, within the restrictions of applicable law.

## SECTION 14 POWERS AND DUTIES OF RAIL CONFERENCE EXECUTIVE BOARD

18 Except as may be otherwise provided in these Bylaws, the Rail Conference Executive Board is authorized  
 19 and empowered to conduct and manage the affairs of this organization, and to manage, invest, expend,  
 20 contribute, use, borrow, lend and acquire Rail Conference funds and property in the pursuit of  
 21 accomplishment of the objectives set forth in the IBT Constitution, Teamsters Canada Bylaws, and these  
 22 Bylaws and resolutions adopted in furtherance thereof. However, the Rail Conference Executive Board  
 23 shall not have the authority to bind the Rail Conference for personal services to be rendered to the Rail  
 24 Conference or its Executive Board, such as, but not limited to, legal, accounting, consulting, public  
 25 relations and editorial services, by contract, agreement or otherwise, beyond the expiration of the term of  
 26 the Executive Board in office at the time such action is taken. This shall not prevent the Rail Conference  
 27 Executive Board from entering into a bona fide collective bargaining agreement with another union  
 28 covering Rail Conference employees. The Rail Conference Executive Board, in addition to such other  
 29 general powers conferred by these Bylaws, is hereby empowered to:

- 30 1. Make and change rules and regulations not inconsistent with these Bylaws, the IBT Constitution or  
 31 Teamsters Canada Bylaws for the management and conduct of the affairs of this Rail Conference;
- 32 2. Establish the salaries for the officers, delegates to Rail Conference convention and Special  
 33 Representatives and establish the allowances, direct and indirect disbursements, expenses and  
 34 reimbursement of expenses for officers, delegates to Rail Conference convention and Special  
 35 Representatives. Changes in the salaries, allowances or expenses of the officers and Special  
 36 Representatives shall be specifically set forth in the minutes of the Executive Board meeting at which  
 37 such changes are approved. The minutes shall also reflect whether any officer who also serves as a  
 38 Special Representative receives a salary, allowance or expense in his officer capacity or in his Special  
 39 Representative's capacity. The Rail Conference Executive Board may establish a dues check-off  
 40 procedure for Rail Conference officers and employees belonging to this Rail Conference.
- 41 3. Loan and borrow monies directly and indirectly for such purposes and with such security, if any, as it  
 42 deems appropriate, and with such arrangements for repayment as it deems appropriate – all to the  
 43 extent provided by law.
- 44 4. Approve the Principal Executive Officer's employment of clerical employees, attorneys, accountants,  
 45 and such other special or expert services as may be required for the organization and secure an  
 46 audit of the books of this organization by a certified public accountant at least once a year;

- 1 5. On behalf of the Rail Conference, its officers, employees or members, initiate, defend, compromise,  
2 settle, arbitrate or release or pay the expenses and costs of any legal proceedings or actions of any  
3 nature if, in its judgment, it shall be necessary or desirable to protect, preserve, or advance the  
4 interests of the organization;
- 5 6. Fill all vacancies in office which occur during the term of such office for the unexpired term, in the  
6 manner provided in Article XXII, Section 9 of the International Constitution;
- 7 7. Transact all business and manage and direct the affairs of the Rail Conference between conventions,  
8 except as may otherwise be herein provided; delegate when necessary any of the above powers to  
9 any officer for specific and temporary purposes and on condition that the action of such officer or  
10 agent shall be ratified by the Rail Conference Executive Board; the Rail Conference Executive Board  
11 shall designate other officers for the President or Secretary-Treasurer for the purpose of signing  
12 cheques to pay bills or to exercise any other functions of their offices in the event that either shall  
13 refuse to act or shall become ill or otherwise incapacitated;
- 14 8. Lease, purchase or otherwise acquire in any lawful manner for and on behalf of the organization any  
15 and all real estate or other property, rights and privileges, whatsoever deemed necessary for the  
16 prosecution of its affairs, and which the organization is authorized to acquire, at such price or  
17 consideration and generally on such terms and conditions as it sees fit, and, therefore, at its  
18 discretion pay either wholly or partly in money or otherwise. Specific authorization at a Rail  
19 Conference Executive Board meeting shall be required for such expenditures, excepting for routine  
20 expenditures not of a substantial nature;
- 21 9. Sell or dispose of any real or personal estate, property, rights or privileges belonging to the  
22 organization whenever in its opinion the Rail Conference's interests would thereby be promoted,  
23 subject to authorization at the Rail Conference Executive Board meeting;
- 24 10. Create, issue, and make deeds, mortgages, trust agreements, contracts, and negotiable instruments,  
25 secured by mortgage or otherwise, as provided by resolution of the membership, and do every other  
26 act or thing necessary to effectuate the same;
- 27 11. Create trusts, the primary purpose of which is to provide benefits for the members or their  
28 beneficiaries, and terminate and effectuate the same, subject to authorization at the Rail Conference  
29 Executive Board meeting;
- 30 12. Appoint trustees of Health and Welfare or Pension Trust Funds negotiated directly by the Rail  
31 Conference.
- 32 13. Determine the membership which shall vote on agreements and strikes, and the composition of  
33 other membership meetings, and adopt rules and regulations concerning the conduct thereof, not  
34 inconsistent with the IBT Constitution, Teamsters Canada Bylaws or these Rail Conference Bylaws;
- 35 14. Determine the manner in which referendums shall be held, subject to review and modification by the  
36 Teamsters Canada President, as permitted by Article VI, Section 1(h) of the IBT Constitution;
- 37 15. Enter into jurisdictional settlements and comply with jurisdictional awards on behalf of the Rail  
38 Conference, in accordance with the policies and directives of the International Brotherhood of  
39 Teamsters and Teamsters Canada;
- 40 16. Review interpretations of these Bylaws rendered between meetings by the Principal Executive  
41 Officer. Disputes over the interpretations of these Bylaws shall be submitted to the Teamsters  
42 Canada President, pursuant to Article VI, Section 2 (a) of the IBT Constitution;
- 43 17. Engage all acts not expressly authorized herein which are necessary or proper in implementation of  
44 the above duties for the protection of the property of the Rail Conference and for the benefit of the  
45 Organization and its members.

- 1 18. The Rail Conference Executive Board shall have the duty to investigate any alleged breach of  
2 fiduciary duty when circumstances so warrant and take appropriate action if the investigation so  
3 merits.
- 4 19. The Rail Conference Executive Board shall hold meetings at such time and place as shall be  
5 determined by the President, upon notice to all Board members. The President shall have the right  
6 to vote on any question pending before said meeting except where such vote would create a tie.  
7 The meetings of the Rail Conference Executive Board shall be no less frequent than once every three  
8 (3) months.
- 9 20. A majority of the Rail Conference Executive Board shall constitute a quorum for the transaction of  
10 business at any meeting of the Board. The action of a majority of the Rail Conference Executive  
11 Board present at a meeting, at which a quorum exists, shall become a transaction of the Board.
- 12 21. By action of the Rail Conference Executive Board, which action shall be recorded in the Executive  
13 Board meeting minutes, members of the Board who are not full-time paid officers or employees of  
14 the organization may be paid their expenses, including wages lost, if any, for attendance at each  
15 meeting of the Board.
- 16 22. Whenever matters require action by the Rail Conference Executive Board, and when the Executive  
17 Board is not in formal session, the Executive Board may act electronically or by facsimile, letter or  
18 telephone. When action by the Rail Conference Executive Board is required, the Principal Executive  
19 Officer may obtain same electronically or in writing or by telephoning the members of the Executive  
20 Board and such members may take action on the matter brought to their attention in the same  
21 manner; provided, however, that whenever action is sought by any of the foregoing methods, all  
22 members of the Executive Board shall be polled. Such action so taken by the majority of the  
23 members of the Rail Conference Executive Board shall constitute action of the Board as though the  
24 Board were in formal session; provided, however, that any such action shall be confirmed at the  
25 next formal session of the Executive Board.
- 26 23. If the Executive Board is deadlocked for two (2) consecutive meetings on any matter within its  
27 exclusive authority under this section of the bylaws, the matter shall be referred to the membership  
28 for resolution.
- 29 **24. In the application of Bylaws Section 14 (subsection 19) one of the quarterly meetings**  
30 **required of the Rail Conference Executive Board shall occur between January 7th and**  
31 **14th of each year. The Executive Board shall meet and conduct its business, and in**  
32 **addition two (2) days shall be allotted for the Executive Board to meet jointly with the**  
33 **General Chairman's Association and the National Legislative Board. The express purpose**  
34 **of such joint meeting is to ensure the Rail Conference is positioned to collectively**  
35 **achieve the objectives identified in the Mission Statement of the TCRC Bylaws.**

## SECTION 15

## OFFICERS – GENERALLY

- 36 a) All officers of this Rail Conference when installed after election shall be required to take the following  
37 obligation of office:
- 38 I, \_\_\_\_\_, do most sincerely promise, upon my honour, that I will truly and  
39 faithfully, to the best of my ability, perform the duties of my office, for the ensuing term, as  
40 prescribed in the Constitution and Bylaws of this union, and as an officer of this union, will at all  
41 times endeavour, both by counsel and example, to promote harmony and preserve the dignity of its  
42 sessions. I will at all times faithfully comply with and enforce the Constitution and laws of the  
43 International Union, Teamsters Canada and the Bylaws and laws of this Rail Conference.
- 44 b) All officers are required to carry out their respective duties. In the event an officer declines to  
45 perform the duties of office as prescribed by the IBT Constitution, Teamsters Canada Bylaws and  
46 these Rail Conference Bylaws or by law, such officer shall be subject to charges filed in accordance

- 1 with Article XIX of the IBT Constitution. In appropriate situations in which misconduct or failure to  
 2 perform duties assigned by these Bylaws jeopardizes the interests of the Rail Conference, an officer  
 3 may be subject to summary removal from office, in accordance with Article XIX, Section 1 (f) of the  
 4 IBT Constitution.
- 5 c) The right to assume office or hold office or position in the Rail Conference, as distinguished from  
 6 accrued or vested benefits, shall never be deemed a property right, but shall be a personal privilege  
 7 and honour only. Any action taken by an officer in good faith and within the scope of such officer's  
 8 authority and power under these Bylaws shall not be the basis for any personal liability against such  
 9 officer.
- 10 d) All officers of the Rail Conference must, as a condition of holding office, execute all necessary forms  
 11 required by law to be filed with any federal agency either for and on behalf of the Rail Conference or  
 12 as an officer or employee thereof, but accidental default shall not be considered a violation of the  
 13 duty imposed by this section.
- 14 e) All officers in the performance of their duties shall adhere to the terms of these Bylaws, Teamsters  
 15 Canada Bylaws and the IBT Constitution.
- 16 f) The officers, Special Representatives and other representatives of this Rail Conference, occupy  
 17 positions of trust in relation to the Rail Conference and its members as a group and are, therefore,  
 18 accountable to the membership with respect to the performance of their duties in handling funds and  
 19 property of the Rail Conference. The failure or refusal by an officer, Special Representative or other  
 20 representative of this Rail Conference, upon demand of the Rail Conference Executive Board or of  
 21 any individual member for good cause, to render a proper and adequate accounting or explanation  
 22 respecting the performance of such officers' duties or in handling funds and property of the Rail  
 23 Conference shall constitute a ground for charges under Article XIX of the IBT Constitution.

## SECTION 16 DELEGATES TO INTERNATIONAL BROTHERHOOD OF TEAMSTERS

24 Delegates from the TCRC to the IBT shall be elected at large and the number of delegates and alternate  
 25 delegates shall be determined in accord with Article III, Section 2, of the IBT Constitution and the Rules  
 26 governing the election of delegates and alternate delegates. Delegates and alternates shall be  
 27 nominated and elected in as provided in the IBT Constitution and the Rules governing the election of  
 28 delegates and alternate delegates.

29 *Note: Eligibility to vote, nominate and run for office will be determined by the applicable provisions of*  
 30 *the IBT Constitution and as provided and modified in Paragraphs 6.7 and 6.8 of the Merger*  
 31 *Agreement.*

## SECTION 17 CREDENTIALS – DELEGATES TO THE RAIL CONFERENCE

32 A delegate's credential shall be formulated by the Rail Conference Secretary-Treasurer and sent to the  
 33 division of which the delegate-elect is a member prior to the date set for convening the Rail Conference  
 34 convention.

## SECTION 18 REPRESENTATION OF DIVISION TO RAIL CONFERENCE

35 a) Each division as recorded in the Rail Conference Office on April 1 prior to the opening date of the  
 36 convention will be entitled to ~~a~~**one (1)** delegate **for each craft sector represented by such**  
 37 **division** at each Rail Conference convention.

38 **NOTE: For the purpose of this Section 18 (a), the craft sectors for which a division will be**  
 39 **entitled to a delegate or delegates are:**

- 1 **1. Locomotive Engineer**
  - 2 **2. Conductor, Trainmen, Yardmen, Yardmasters and Switch-tenders**
  - 3 **3. Rail Traffic Controllers**
  - 4 **4. Other craft jurisdictions brought into the Rail Conference through organizing drives**
  - 5 **and/or mergers as agreed to by the Rail Conference Executive Board**
- 6 b) ~~Each~~ delegates will have one (1) vote. ~~for each division represented and an additional vote for each~~
- 7 ~~one hundred (100) additional members represented over the first two hundred (200).~~
- 8 c) All divisions must be square on the books on the date the convention convenes.
- 9 d) Each division entitled to representation must be represented by either delegates or by proxy.
- 10 e) Any division granting proxy to a delegate of another division has the same right in instructing such
- 11 proxy, as they would have in instructing the delegate of their own division.
- 12 f) In the event of the death of the delegate-elect or other cause that might prevent attendance at the
- 13 convention, the first alternate delegate shall be the legal representative. Should conditions arise
- 14 whereby both the delegate-elect and the first alternate delegate are prevented from attending, the
- 15 second alternate delegate shall be the legal representative. Should conditions arise whereby the
- 16 delegate-elect and the first and second alternate delegates are prevented from attending, Section 20 –
- 17 TCRC Division Rules will apply.

## SECTION 19 DELEGATES TO RAIL CONFERENCE - TERM OF OFFICE

- 18 The delegates to the Rail Conference shall continue as such until their successors are elected and
- 19 qualified, as per Section 2 – TCRC Division Rules, and shall be subject to call from the Rail Conference
- 20 President to assemble at any time during their term of office.

## SECTION 20 DELEGATE TO RAIL CONFERENCE - QUALIFICATIONS

- 21 a) In order to be a candidate for delegate to the Rail Conference, an individual must hold active
- 22 membership as defined in Section 25(b) - TCRC Division Rules.
- 23 b) No salaried Rail Conference officer or member employed exclusively by the Rail Conference Office
- 24 shall be eligible as a delegate to represent any division at the Rail Conference Convention.

25 *Note: Eligibility to run for office will be determined by the applicable provisions of the IBT Constitution*

26 *as modified in Paragraph 6.8 of the Merger Agreement.*

## SECTION 21 DELEGATES - DIVISION NOT SQUARE ON BOOKS

- 27 Any delegate whose division is not square on the books and any division that has not paid its pro rata
- 28 assessments, as provided in these Bylaws or is indebted to other subordinated bodies, shall not be
- 29 allowed a seat at the Teamsters Canada Rail Conference convention.

## SECTION 22 DELEGATES - RAIL CONFERENCE SPECIAL SESSION - NEW DIVISION

- 30 In case a special session of the Rail Conference should be called, any division that may have been
- 31 organized subsequent to the last session of the Rail Conference and is in good standing at the time shall
- 32 be entitled to representation in accordance with the law governing representation.

**SECTION 23 DELEGATES TO RAIL CONFERENCE – HOW PAID**

- 1 a) Salaries and expenses of delegates to the Rail Conference convention will be established as per  
2 Section 14 (2) – TCRC Bylaws.
- 3 b) A system will be provided to check the actual attendance of delegates at convention; and they shall  
4 receive a per diem for actual attendance only, unless excused by the Rail Conference President.

**SECTION 24 DELEGATE TO RAIL CONFERENCE - SALARIED**

- 5 When any full-time salaried officer of a subordinate body of the Rail Conference is elected by his division  
6 to represent such division at the convention of the Rail Conference, his officer's salary shall offset any  
7 salary payable for service as delegate.

**SECTION 25 DELEGATE TO RAIL CONFERENCE - REPORTING TO DIVISIONS**

- 8 Delegates will report to their divisions. The Rail Conference will supply all divisions with a report of the  
9 convention proceedings.

**SECTION 26 DELEGATE TO RAIL CONFERENCE EXCUSED**

- 10 Should a delegate, on account of sickness or other cause, find it necessary to be absent from the  
11 convention, he may, by permission of the Rail Conference, designate the delegate of another division to  
12 act in his stead, except in the case of the election of officers.

**SECTION 27 RAIL CONFERENCE DUES AND ASSESSMENTS**

- 13 a) Each division shall be required to account for all members shown on their monthly report of the  
14 preceding month.
- 15 b) All members in active service, as defined under Section 25(c) – TCRC Division Rules, including those  
16 holding official positions with the railways and those employed exclusively by the Rail Conference, shall  
17 pay twenty-seven dollars (\$27.00) per month Rail Conference dues and such assessments as may be  
18 levied by the Executive Board. Active membership includes all occupations eligible for membership in  
19 the Rail Conference regardless of status, except as excluded in the following sections.
- 20 c) In addition to above Rail Conference dues, all members, except those under Section (d), will be  
21 required to pay two dollars (\$2.00) per month to establish and maintain a convention fund.
- 22 d) The following members shall pay four dollars (\$4.00) dues **to their respective Divisions** and shall be  
23 exempt from **any other Rail Conference**, GCA, Legislative Board and Division dues and/or  
24 assessments:
- 25 (1) Members working in another craft on a property where the Rail Conference does not represent  
26 such craft and where a union dues agreement is in effect that require such employee to pay  
27 union dues to another organization.
- 28 (2) Members employed on short-line railway where the Rail Conference does not hold representation  
29 rights, or where the Rail Conference does hold representation rights but has not as of yet  
30 negotiated a collective bargaining agreement.
- 31 e) Should it become necessary to raise additional funds to defray the expenses of the Rail Conference,  
32 such funds shall be raised by assessments as may be levied by the Executive Board, notwithstanding  
33 any policy or resolutions to the contrary, provided that such action on the part of the Executive Board  
34 shall be effective only until the next regular convention of the Rail Conference.

- 1 f) All notices of assessments levied by the Executive Board are to be in the hands of the GCA secretary-  
2 treasurers sixty (60) days before said assessments are due and same to be remitted by the GCA  
3 secretary-treasurers on or before the 20th day of the next succeeding month thereafter.

## **SECTION 28 DUES AND ASSESSMENTS - WHEN PAYABLE TO RAIL CONFERENCE**

- 4 National dues and assessments levied by the Executive Board are due and payable on or before the first  
5 day of the month for which they apply, except in the case of a dues check-off, and are delinquent after  
6 the 20th day of the same month; and such dues and assessments must be remitted to the Rail  
7 Conference Secretary-Treasurer, by the GCA secretary-treasurers on or before the 20th day of the next  
8 succeeding month.

## **SECTION 29 FISCAL YEAR- LIABILITY FOR NON-PAYMENT**

- 9 a) The fiscal year of the Rail Conference shall commence on the first day of January in each year. All  
10 divisions are required to be square on the books of the Rail Conference Office on or before the 20th  
11 day of the month following the month for which dues are collected.
- 12 b) When a secretary-treasurer resigns or otherwise gives up the office, an audit must be completed  
13 before the new secretary-treasurer is installed; such audit to be conducted by a committee appointed  
14 for such purpose. All records are to be delivered to the new secretary-treasurer along with the audit  
15 report.

## **SECTION 30 CONVENTION COMMITTEES RAIL CONFERENCE**

- 16 a) The Convention Committees of the Rail Conference shall consist of a Bylaw and a Legislative  
17 Committee.
- 18 b) Members of committees identified in this section shall be paid the same salaries and expenses as the  
19 delegates to the Rail Conference convention.

## **SECTION 31 BYLAWS - COMMITTEE**

- 20 a) The Committee on Bylaws shall meet at a location and date to be fixed by the Executive Board and  
21 shall review and consider all resolutions submitted by divisions, together with any recommendations  
22 for changes in the law made by the Rail Conference President. The said committee shall have  
23 authority to review any section of the law of the Rail Conference and to make any recommendations  
24 for change of such laws, which, in their judgment, is necessary. The said committee shall have all  
25 resolutions from divisions and recommendations of the Rail Conference President printed as  
26 submitted, in their report; and such report will be printed in sufficient quantity for each delegate at  
27 the convention to receive a copy.
- 28 b) At the conclusion of the convention, the said committee shall compile all laws adopted, indicating  
29 section and paragraph to which the law applies; and all amendments approved, by the convention  
30 shall be placed in boldface type and deleted items in strikethrough type at such time as the revised  
31 Bylaws are printed.

## **SECTION 32 NEW DIVISIONS**

- 32 a) (i) If fifteen (15) or more active members on any railway wish to organize a new division, they shall  
33 apply to the nearest division on the system where the new division is to be located; and it shall be  
34 the duty of the president of said division first to obtain the consent, through the chairman, of a  
35 majority of the GCA on the railway where the division is to be located, and then apply to the Rail  
36 Conference President for blank charter and the necessary books and papers to organize the same.  
37 The Rail Conference President shall then secure permission from the IBT General President for a new  
38 charter.

- 1 (ii) When in receipt of the charter, he shall proceed to meet with five (5) or more members, fill out  
 2 the charter, organize and instruct said members, and appoint officers pro tem; and if a sufficient  
 3 number have joined to fill the offices, they will elect permanent officers; and the secretary-treasurer  
 4 shall immediately furnish the names of the officers and members and their addresses to the Rail  
 5 Conference Secretary-Treasurer, with the date of their organization.
- 6 b) All charter members of the new division ~~shall~~**may** be assessed the sum of twenty-five dollars  
 7 (\$25.00) to be put into the treasury of the division for the purpose of meeting initial operating  
 8 expenses.
- 9 e) ~~A fee of one hundred (\$100.00) shall accompany all applications for charters.~~

### SECTION 33

### MERGING DIVISIONS

- 10 a) When two (2) or more divisions have decided by a majority vote of the active membership of each  
 11 division to merge or consolidate their membership, application will be made to the Rail Conference  
 12 President for approval. He shall then seek the permission of the IBT General President and if approved,  
 13 he will arrange the consolidation as follows: that the division having the largest membership will be  
 14 the division to retain the charter, except where due to location and for other reasons, in the opinion of  
 15 the Rail Conference President, it would work a hardship on the members of the division, he will decide  
 16 the charter to be retained. All special funds will be distributed at the discretion of the members of the  
 17 division or divisions giving up their charter.
- 18 b) If the membership of any division falls below twelve (12) active members, the Rail Conference  
 19 President shall investigate the cause; and unless the interests of the organization require the  
 20 continuance of the division, he shall have the authority to order it to be merged with another division  
 21 on the same seniority district or a division under the same GCA.

### SECTION 34

### RESOLUTIONS TO RAIL CONFERENCE - WHEN PRESENTED

22 Except in case of the suspension of the rules by two-thirds (2/3) vote of all delegates present, six (6)  
 23 copies of any resolution that has for its purpose the changing of existing laws, or the enactment of new  
 24 laws, shall be forwarded to the Rail Conference Office not less than one hundred twenty (120) days  
 25 before the convention convenes and shall be mailed to the delegates not less than forty-five (45) days  
 26 prior to the convention. Should the resolution recommend changes in more than one (1) section of the  
 27 law, each section shall be printed on a separate sheet of paper. Each sheet shall bear a heading showing  
 28 the particular section and page that is to be amended. All recommended changes shall be shown in  
 29 boldface type; and the section, as it would read after being so changed or amended, shall be written out  
 30 in full. Resolutions received that are not in conformity with the above will not be entertained by the  
 31 Committee on Bylaws.

### SECTION 35

### ORDER OF BUSINESS

- 32 1. Call the meeting to order without form.
- 33 2. Report of Credentials Committee.
- 34 3. Convention called to order, composed of the delegates seated by the Credentials Committee.
- 35 ~~4. Report of Bylaws Committee.~~
- 36 45. Report of Rail Conference officers.
- 37 56. Report of Convention Committees (Section 30 – TCRC bylaws) and election of officers.
- 38 67. Report of other committees.
- 39 78. Financial business.

- 1 **89.** Reading of resolutions and petitions.  
2 **940.** New business.

**SECTION 36****LAWS - HOW CHANGED**

- 3 a) These Bylaws shall not be subject to alteration or amendment until the next session of the Rail  
4 Conference convention, except as provided in Section 4(a) and Section 2(b) - TCRC Bylaws.
- 5 b) When a GCA enters into a collective agreement with a railway containing a provision requiring, as a  
6 condition of employment, membership in the Rail Conference, a union dues agreement without  
7 mandatory membership, granting a preference of employment to members of the Rail Conference, or  
8 the check-off of union dues each calendar month from wages due each employee coming within the  
9 scope of such agreement, the specified amount of Rail Conference dues authorized under the  
10 provisions of the Rail Conference bylaws, Division Rules, General Committee Rules and Legislative  
11 Rules of the Rail Conference, the Rail Conference President and Secretary-Treasurer, in conjunction  
12 with the officer negotiating such agreement, will have authority to modify the provisions of the laws  
13 above referred to for application to the divisions concerned for the purpose of applying such  
14 agreements.
- 15 c) It must be understood that no change will be made in the amount of dues or assessments prescribed  
16 under our laws in connection with Paragraph (b) of this section.
- 17 d) Between conventions the Executive Board will have authority to amend the law where it is in conflict  
18 with civil law.

**SECTION 37****WORKING RULES – RAIL CONFERENCE**

- 19 a) Working hours. The morning meeting shall be from 9 a.m. until 11:30 a.m. The afternoon meeting  
20 will be from 1 p.m. until 5 p.m. and continued until all business legally coming before the convention  
21 has been disposed of. The length of time the convention will remain in session shall not exceed three  
22 (3) consecutive calendar days.
- 23 b) All resolutions shall be typewritten and presented in duplicate, one (1) copy for the record and one (1)  
24 for the committee, and signed by the author and the number of his division. Resolutions that are in  
25 proper form shall be entertained and disposed of by the convention without necessarily referring them  
26 to a committee. Resolutions not in proper form shall be referred to a committee.
- 27 c) All resolutions relating to subjects to which no committee has been appointed shall be read by the Rail  
28 Conference Secretary-Treasurer to the Convention for consideration.
- 29 d) Nominations for officers shall be made verbally from the floor of the convention. Each nomination not  
30 to consume more than two (2) minutes.
- 31 e) A nominee may not accept nomination for two (2) or more offices that cannot be held simultaneously.  
32 In the event he is nominated for more than one (1) office, he must select the office for which he  
33 wishes to stand as a candidate.
- 34 f) In the election of officers, a paper or electronic ballot will be used. A majority of the votes cast will be  
35 necessary to elect; if there be no election on the first ballot, only the two (2) leading candidates shall  
36 be eligible on the second ballot.
- 37 g) Delegates shall be required to wear their badges while assembled in convention hall.
- 38 h) If there is only one (1) nomination for any office and sufficient time has been allowed for further  
39 nominations, the presiding officer will cast a ballot to elect such officer by acclamation.

## SECTION 38 EMPLOYMENT ELIGIBILITY - OFFICERS AND EMPLOYEES OF THE RAIL CONFERENCE

- 1 No member shall be eligible for office in the Rail Conference or full-time employment with the Rail  
2 Conference unless he holds active membership as provided in Section 25 (b) – TCRC Division Rules.

## SECTION 39 ANNUAL SALARIES - OFFICERS OF THE RAIL CONFERENCE

- 3 Rail Conference President.....2006.....Cdn \$154,820.69 ~~\$136,512.38~~  
4 Rail Conference Vice President.....2006.....Cdn \$144,059.12 ~~\$127,023.58~~

- 5 Note: *Rail Conference officers' salaries will be adjusted by using monetary allowances/increases or other*  
6 *applicable adjustments negotiated nationally for Rail Conference members.*

## SECTION 40 VACATIONS - OFFICERS OF THE RAIL CONFERENCE

- 7 All officers of the Rail Conference shall be allowed annual vacation in accordance with seniority and pay  
8 provisions of the Collective Bargaining Agreement in effect on the property where they hold seniority.

## SECTION 41 RULES OF ORDER – RAIL CONFERENCE

- 9 Except as otherwise herein provided, Robert's Rules of Order shall govern the deliberation of the  
10 Teamsters Canada Rail Conference convention.

## SECTION 42 SAVINGS CLAUSE

- 11 If any provision of these Rail Conference Bylaws shall become invalid by operation of Canadian law or  
12 declared invalid by any competent Canadian authority, the Rail Conference Executive Board, by majority  
13 vote of all of its members, shall have the power to substitute in its place and stead a provision which will  
14 meet the objections to its validity and which will be in accord with the intent and purpose of the invalid  
15 provision and said substituted provision shall be effective until the next regular or special Convention of  
16 the Rail Conference. If any article or section of these Bylaws should be held invalid by operation of  
17 Canadian law or by a competent Canadian authority, the remainder of these Bylaws or the application of  
18 such article or section to persons or circumstances other than those as to which it has been held invalid,  
19 shall not be affected thereby.

## SECTION 43 LAW IN EFFECT

- 20 **These TCRC Bylaws, except as herein specified, will be in effect on and after the first day of**  
21 **January 1, 2004.**

**SECTION 99****SAMPLE RESOLUTION**

- 1 (TCRC Bylaws, Rules of Order – Rail Conference; Division Rules, Rules of Order; GCA Rules, Rules of
- 2 Order; Legislative Rules, Rules of Order), page 999.
- 3 Present law reads:
- 4 (a) Type the present law exactly as it reads in the Bylaws and – or Rules.
- 5 NOTE: *If you wish to propose changes in more than one (1) subsection of a particular section (e.g. a*
- 6 *change in Section 99 (a) and a change in Section 99 (b), they must be submitted as separate resolutions*
- 7 *on separate sheets of paper.*
- 8 Resolution submitted by Division 000:
- 9 Section 99 (a) – (TCRC Bylaws, etc.), page 9
- 10 (a) Type the paragraph as you would like it to read. Any changes in the present law must be put in bold
- 11 type.
- 12 At the end of the resolution, give a brief explanation of your reasons for the proposed change.

This Section, entitled "Division Rules" has to do principally with the operation of the divisions of" Teamsters Canada Rail Conference".

Note: For purpose of clarity, President of the Teamsters Canada Rail Conference will be referred to as "Rail Conference President" in this section. "President" will refer to "President of the division".

<b>THIS LIST IS PROVIDED AS A CONVENIENT AID FOR SEARCHING SECTIONS LOCATED IN THE RAIL CONFERENCE DIVISION RULES.</b>		
<b>SECTION</b>		<b>PAGES</b>
1	<b>Officers – Divisions.....</b>	24
2	<b>Qualification for Office.....</b>	24, 25
3	<b>Term of Office.....</b>	25
4	<b>Regular Meetings.....</b>	25
5	<b>Elections Triennially.....</b>	25
6	<b>Members Qualified to Nominate or Vote.....</b>	25
7	<b>Officers - Nomination Of.....</b>	26
8	<b>Election - How Conducted.....</b>	26, 27, 28
9	<b>Ballots Sealed and Preserved.....</b>	28
10	<b>Installation of Officers.....</b>	28
11	<b>President’s Duties.....</b>	28, 29
12	<b>Vice President’s Duties.....</b>	29
13	<b>Secretary - Treasurer – Duties and Bond.....</b>	29, 30
14	<b>Chaplain’s Duties.....</b>	30
15	<b>Trustees (Auditing committee) – Duties.....</b>	30
16	<b>Local Committee of adjustment – Duties.....</b>	30, 31
17	<b>Duties of Division Legislative Representative.....</b>	31, 32
18	<b>Delegates to the Rail Conference – How Instructed.....</b>	32
19	<b>Officer Failing to Attend Meetings.....</b>	32
20	<b>Vacancies – How Filled.....</b>	32, 33
21	<b>Official Letterheads.....</b>	33
22	<b>Bills - How Paid.....</b>	33
23	<b>Correspondence.....</b>	33
24	<b>Expense of Committee.....</b>	33
25	<b>Active Service – Active Membership – Membership.....</b>	33, 34
26	<b>Membership Eligibility.....</b>	34
27	<b>Application for Membership.....</b>	34
28	<b>Register.....</b>	34
29	<b>Grievances – Handled.....</b>	34
30	<b>Division May Appeal to Executive Board.....</b>	34
31	<b>Member May Appeal to Executive Board.....</b>	34
32	<b>Division Must Entertain Appeal.....</b>	35
33	<b>Membership Where Held.....</b>	35
34	<b>Members Changing Address Must Notify Secretary Treasurer.....</b>	35
35	<b>Division Must Request Transfer and Pay GCA Assessments.....</b>	35, 36
36	<b>Dues and Assessment.....</b>	36
37	<b>Member in Arrears.....</b>	36
38	<b>Relief Committee.....</b>	36
39	<b>Relief or Sick or Disabled Members.....</b>	36
40	<b>Memorial Day.....</b>	36
41	<b>Non-Member Employees Protected.....</b>	36
42	<b>Charges.....</b>	37
43	<b>Refusing to Sustain GCA or Interfering with a Local Committee.....</b>	37
44	<b>Soliciting Aid.....</b>	37
45	<b>Taking the Place of a Striker.....</b>	37
46	<b>Taking Case to Court.....</b>	37
47	<b>Reinstatements.....</b>	37, 38
48	<b>Order of Business.....</b>	38
49	<b>Law in Effect</b>	<del>38</del>

**SECTION 1****OFFICERS - DIVISIONS**

- 1 a) (i) The officers of each division shall consist of a president, vice president, secretary-treasurer and  
 2 alternate, chaplain, three (3) trustees (auditing committee), delegate to the Rail Conference and first  
 3 and second alternates, legislative representative who shall be the delegate to the legislative board  
 4 **and an alternate for each craft represented** ~~and alternate and the each~~ local committee of  
 5 adjustment **will** ~~consist~~ of three (3) members; the local chairman and local vice-chairmen  
 6 (minimum of two (2)).

7 **NOTE: The majority of the Rail Conference Executive Board is vested with the authority to**  
 8 **establish additional Local Committees of Adjustment to represent members on a separate**  
 9 **seniority district or employed in a separate craft represented by the TCRC. Such**  
 10 **committee members must hold seniority rights in one of the crafts under the jurisdiction**  
 11 **of the Local Committee.**

12 (ii) The local chairman **of each local committee of adjustment** shall be the delegate to **their**  
 13 **respective** ~~the~~ general committee of adjustment. The local chairman and vice local chairmen shall  
 14 constitute the local committee of adjustment, and the vice local chairmen shall act under the direction  
 15 of the local chairman. Vice local chairman positions are not alternates to the office of local chairman.

16 (iii) The offices of president, vice president, secretary-treasurer, local chairman and legislative  
 17 representative shall together constitute the executive board of the division. A majority of the executive  
 18 board convened shall constitute a quorum.

19 b) When there are members employed on more than one (1) seniority district belonging to the same  
 20 division, the members on each seniority district may elect a local committee of two (2) members to  
 21 act in conjunction with the local chairman on matters pertaining to the district they represent.

22 c) Divisions having members employed on different divisions of the same railway who are permitted to  
 23 maintain more than one (1) local committee, such members will only be allowed to vote for the local  
 24 committee that will adjust their local differences.

**SECTION 2****QUALIFICATION FOR OFFICE**

25 a) No member shall be nominated, elected or serve as an officer in any division who is not in good  
 26 standing, or who is in arrears for dues and assessments, provided that no member whose dues have  
 27 been withheld by his employer for payment to such organization pursuant to his voluntary  
 28 authorization provided for in a collective bargaining agreement shall be declared ineligible to be a  
 29 candidate for office by reason of alleged delay or default in the payment of dues.

30 b) Only members who do not hold membership in any other labour organization which purports to  
 31 represent railway workers and meet the requirements of active membership as defined in Section  
 32 25(b) – TCRC Division Rules may be elected delegate or alternate delegate to the Rail Conference,  
 33 general chairman of the GCA, local chairman or member of the local committee of adjustment, or  
 34 legislative representative or delegate to the provincial legislative boards.

35 *Note: Eligibility to run for office will be determined by the applicable provisions of the IBT Constitution*  
 36 *as modified in Paragraph 6.8 of the Merger Agreement.*

37 c) The president shall not be elected to or hold the office of secretary-treasurer, local chairman or  
 38 member of the local committee of adjustment.

39 *Note: It shall be the policy of the Rail Conference that any Rail Conference member dismissed from the*  
 40 *service of a railway will be considered in active service, as defined in Section 25 (c) – TCRC*  
 41 *Division Rules, until after all investigations and appeals of his case are closed.*

42 d) No member who is promoted to an official position on any railway shall serve in any capacity under or  
 43 for the Rail Conference or attend division meetings.

**SECTION 3****TERM OF OFFICE**

- 1 a) The official term of all officers of divisions, also delegates to the Rail Conference, GCA, local committee  
 2 of adjustment and delegate to the legislative board, shall commence at the first regular meeting in  
 3 January following the triennial election, or when duly installed due to a vacancy occurring, and shall  
 4 end when successor is duly installed.
- 5 b) The officers of a newly organized division shall be elected at the time of the organization of the division  
 6 by secret ballot.
- 7 c) When an officer of the Division relinquishes his office for any cause whatsoever, he will turn over all  
 8 files, letters or communications of any nature whatsoever to his successor as soon as is feasible, but  
 9 no later than said successor's installation into office.

**SECTION 4****REGULAR MEETINGS**

- 10 a) The regular meetings of all divisions of the Rail Conference shall take place not less than once each  
 11 month, and on any day that the majority of the members of each division may determine.
- 12 b) No change of place, day or hour of division meeting will be made unless so ordered by a majority of  
 13 the members present at two (2) successive regular meetings of the division. The secretary-treasurer  
 14 will promptly notify the Rail Conference President of changes made.
- 15 c) No change of place, from one terminal to another or from one town to another, will be made unless a  
 16 petition from twenty-five percent (25%) of the active membership makes such request in writing.
- 17 If the above request is made, the secretary-treasurer will, within ten (10) days thereafter, prepare a  
 18 ballot stating the change desired and furnish a ballot to all active members of the division, stating at  
 19 which meeting the ballots shall be counted, and shall not exceed sixty (60) days from date of mailing.  
 20 The mailing of the ballots and the counting of votes shall be governed by Section 8 – TCRC Division  
 21 Rules, and the result of vote will govern. The secretary-treasurer will promptly notify the Rail  
 22 Conference President of changes made.
- 23 d) Three (3) members shall constitute a quorum to do any business that may legally come before the  
 24 division.

**SECTION 5****ELECTIONS TRIENNIALLY**

- 25 The officers of divisions shall be elected by secret ballot triennially for the ensuing three (3) years at the  
 26 first meeting in December; provided, however, in the event any applicable civil law is enacted or revised  
 27 which sets a maximum term of less than three (3) years, the term of such offices shall be for the  
 28 maximum time permitted by law.

**SECTION 6****MEMBERS QUALIFIED TO NOMINATE OR VOTE**

- 29 All those holding active membership (Section 25(b) – TCRC Division Rules), except those holding official  
 30 positions on a railway, will be entitled to nominate and vote for all offices in the division. However,  
 31 members will not nominate or vote for officers not entitled to represent them.

- 32 Note: *Eligibility to nominate, second and vote will be determined by the applicable provisions of the IBT*  
 33 *Constitution as modified in Paragraph 6.8 of the Merger Agreement.*

**SECTION 7****OFFICERS - NOMINATION OF**

- 1 a) (i) Nominations for officers of divisions shall be made at the first regular meeting in September  
 2 preceding the date of election; no member who is not eligible for election at the time of nomination  
 3 shall be nominated for office. Members in good standing desiring to place their nominations for  
 4 division officers may nominate by voice from the floor at the meeting at which nominations are being  
 5 held; and those unable to attend the above meeting on account of being on vacation, sick, working, or  
 6 on an outlying assignment may write their choice of nominations to the division secretary-treasurer,  
 7 who will read same at the meeting.
- 8 (ii) The secretary-treasurer of each division shall post a notice at terminals and on Rail Conference  
 9 bulletin boards at least thirty (30) days prior to the meeting at which nominations are to be held, such  
 10 notice to state the time, date, place and purpose of such meeting.
- 11 Note: *Eligibility to nominate, second, run for office and vote will be determined by the applicable*  
 12 *provisions of the IBT Constitution as modified in Paragraph 6.8 of the Merger Agreement.*
- 13 b) A member who is eligible may be nominated though absent from the meeting; but such nominee shall  
 14 be notified within five (5) days of such nomination, giving him an opportunity to withdraw his name  
 15 should he desire to do so.
- 16 c) A member who is present, eligible and nominated at the division meeting at which nominations are  
 17 held may decline to accept such nomination at the time of being nominated or may do so by  
 18 submitting to the secretary-treasurer of the division, within five (5) days thereafter, a written request  
 19 that his name be stricken from the ballot.
- 20 d) A member may not accept nomination for two (2) or more offices that cannot be held simultaneously.  
 21 In the event he is nominated for more than one (1) of such offices, he must select the office for which  
 22 he wishes to stand as a candidate.
- 23 e) In the event of irregularities in the nomination of officers, protest must be filed in duplicate with the  
 24 Rail Conference President within fifteen (15) days after alleged violation. The Rail Conference President  
 25 will conduct an investigation and render a decision. Any member dissatisfied with such decision may  
 26 appeal such decision, within thirty (30) days to the Executive Board, whose decision shall be final and  
 27 binding.

**SECTION 8****ELECTION - HOW CONDUCTED**

- 28 a) Not less than fifteen (15) days prior to date of election in divisions, the secretary-treasurer shall deliver  
 29 to each member of his division, by government mail, directed to his last known address, a ballot  
 30 together with two (2) envelopes, one (1) of approximately 3-1/2 x 6-1/2 inches and one (1) of  
 31 approximately 4 x 9-1/2 inches. The ballot and return envelopes must also be accompanied by written  
 32 notice of time, date, place and purpose of the election. The smaller envelope shall be for the purpose  
 33 of containing the voted ballot and should be sealed and placed within the larger envelope for return of  
 34 the ballot. The larger envelope must contain space for the member's name and return address, must  
 35 have first-class postage affixed thereto, and must contain the division number and address of a post-  
 36 office box, which must be rented for the election by the secretary-treasurer of the division. The  
 37 contents of the post-office box must not be accessible to any officer or member until the ballots are  
 38 picked up on the date of the election. If a post-office box is not available, the division will determine an  
 39 alternative method of receiving, securing and delivery of the ballots.
- 40 The ballot is to be filled out by the member in whose name it is to be voted, naming his choice for  
 41 officers, which, however, need not be confined to nominees. The completed ballot must then be folded  
 42 and placed in the small envelope that is provided for that purpose. The small envelope must then be  
 43 sealed and placed in the larger envelope, upon which the member will clearly mark his name and  
 44 return address before placing same in the government mail for delivery to the post-office box  
 45 designated thereon.

- 1 Immediately prior to the election and following the date designated for the return of the ballots, the  
2 secretary-treasurer and president, or another member designated by the president of the division, shall  
3 go the post office and remove the envelopes containing the ballots from the post-office box. They shall  
4 then be delivered intact to the meeting at which the election will be held. It will be the privilege of any  
5 member of the division, upon proper application to these officers, to accompany the secretary-  
6 treasurer and president (or his designated representative) to the post office for the purpose of  
7 observing this procedure.
- 8 When the election begins, the envelopes containing the smaller ballot envelopes will be opened by the  
9 board of tellers, at which time a determination will be made as to the right of each member to vote on  
10 the various offices. The smaller envelopes containing the ballots may be marked prior to the time they  
11 are opened at the discretion of the board of tellers, or the smaller envelopes containing the ballots may  
12 be placed in stacks designating the status of the member voting the ballot.
- 13 Each candidate or his representative may observe the work of the board of tellers by standing not  
14 closer than five (5) feet from the table at which the ballots are counted. These observers shall not  
15 interfere with the work of the board of tellers and must address any remarks pertaining to the counting  
16 of the ballots to the division secretary-treasurer, who will convey such inquiries or remarks to the  
17 board of tellers. They shall be required to refrain from conversation except as herein provided.
- 18 b) Each division shall be permitted to prepare its own ballots, following a form that will be furnished by  
19 the Rail Conference.
- 20 c) The division, previous to each election of officers, shall elect by a ballot a board of tellers, unless  
21 appointed by the president with the unanimous consent of the members present, composed of three  
22 (3) non-nominees, if available, from the members present at the meeting at which election is held,  
23 who, in company with the secretary-treasurer, shall act as tellers at such election of officers; and when  
24 ballot is presented, they shall announce in open division in whose name the ballot is voted. The  
25 secretary-treasurer's duty in assisting the board of tellers shall be to give the financial standing of the  
26 member when the name of the member voting the ballot is announced and designate honorary  
27 members. Further than this, he has no duties while ballots are being counted.
- 28 d) The tellers shall make an exact return of the total number of votes cast for each person voted for and  
29 announce such return to the president, who shall thereupon declare the result; no unsealed ballot shall  
30 be counted unless the member voting it is present. Member who receives the largest number of votes  
31 cast for any office in a division shall be declared duly elected thereto.
- 32 A copy of the exact return with the total number of votes cast for each candidate must be forwarded to  
33 the Rail Conference President within five (5) days of the completion of the election.
- 34 e) The candidate receiving the highest number of votes shall be declared elected if eligible. Should an  
35 equal number of votes have been cast for two (2) or more members for any office, the tie shall be  
36 decided by another election for that office, the tied members being the only candidates.
- 37 Where a nominee or non-nominee is elected to an office to which he is ineligible, votes cast for him  
38 should not be counted; and the nominee or non-nominee who is eligible to serve in that office that  
39 receives the next highest number of votes is declared elected.
- 40 Where a nominee or non-nominee is elected to an office and eligible to serve but resigns or refuses to  
41 accept the election, a vacancy is created; and it will be necessary to hold a special election to fill the  
42 office as per Section 20 – TCRC Division Rules.
- 43 f) Every member elected to an office shall be entitled to fill the same, providing he is eligible under the  
44 law, unless it be shown that the law was clearly violated in the manner of holding it or that the  
45 results were fraudulently obtained. The fact that any member or members may be ineligible or  
46 erroneously declared elected shall not affect the rights of those who are eligible and duly elected, nor  
47 be a sufficient reason for setting an entire election aside and ordering a new one.

- 1 g) In the event of any irregularities in the election of officers of a division, resulting in a contest of  
 2 election, the protest must be filed in duplicate with the division and the Rail Conference President  
 3 within thirty (30) days after such election. The Rail Conference President will conduct an  
 4 investigation to obtain the facts and evidence and render his decision accordingly. Any member who  
 5 is dissatisfied with the decision of the Rail Conference President may appeal such decision within  
 6 thirty (30) days to the Rail Conference Executive Board whose decision shall be final and binding.
- 7 **h) In elections for Local Committee of Adjustment, only members holding seniority in a**  
 8 **craft under the jurisdiction of the Local Committee of Adjustment shall be eligible for**  
 9 **election to the Local Committee of Adjustment. Members in service (working) under the**  
 10 **jurisdiction of such committee will be notified of such election and permitted to file or**  
 11 **sign nominating petitions and vote.**

**SECTION 9****BALLOTS SEALED AND PRESERVED**

- 12 a) The ballots and envelopes shall be sealed by the board of tellers in the presence of the division and,  
 13 together with all other records pertaining to the election, will be placed among the private papers of  
 14 the division and, if practical, in the division room until the next election, where they shall be destroyed;  
 15 but in no case shall they be held for less than one (1) year.
- 16 b) The ballots cannot be unsealed without first having submitted a resolution to the division at a regular  
 17 meeting thereof, at which it must be stated why it is desired to have them opened; said resolution to  
 18 lie over until the next regular meeting of the division before action is taken by a majority vote, unless  
 19 the division is ordered to unseal the ballots by the Rail Conference President or his representative.

**SECTION 10****INSTALLATION OF OFFICERS**

- 20 All officers of divisions, except officers who are elected to succeed themselves, shall be installed at the  
 21 first meeting in January following election of officers.

**SECTION 11****PRESIDENT'S DUTIES**

- 22 a) It shall be the duty of the president to preside at all meetings of the division, to preserve decorum, to  
 23 decide all questions of order - subject, however, to an appeal to the members present - appoint all  
 24 committees and enforce these Bylaws.
- 25 b) The President shall see that the trustees audit the books and accounts of the division annually,  
 26 makes a proper report to the division, and makes a full report to the Rail Conference President. He  
 27 will, in conjunction with the secretary-treasurer of the division, furnish a financial statement annually  
 28 to the Rail Conference Office in form required by Rail Conference. He shall have the authority to call  
 29 special meetings and must call a special meeting when request is made, in writing, by five (5) or  
 30 more members. All names of the members requesting the special meeting must be printed and their  
 31 signatures applied to the request. The signatories of the request must be in attendance at the  
 32 special meeting for the division president to call the assembly to order. Such request must state the  
 33 object for which the meeting is called, and no other business shall be transacted at such special  
 34 meeting. Upon receiving a written request from five (5) or more members, the president shall  
 35 instruct the secretary-treasurer to post notices at terminals and on Rail Conference bulletin boards.  
 36 Notices must be posted at least five (5) days prior to the time a special meeting is scheduled.
- 37 c) When the president is notified of the failure of the secretary-treasurer of his division to make a  
 38 prompt monthly dues report to the GCA, as per Section 13(b) – TCRC Division Rules, it shall be the  
 39 duty of the president to contact the secretary-treasurer and instruct him to promptly make such  
 40 report. Continued failure on the part of the secretary-treasurer will subject him to removal from  
 41 office, with the president to prefer charges against him in accordance with Article XIX, Section 1(a) of  
 42 the IBT Constitution. A copy of the letter of notification is to be sent to the secretary-treasurers of  
 43 the general committee and the legislative board representing the division.

- 1 d) The President shall cast the deciding vote in the case of an equal vote on matters coming before the  
2 division except in the case of a tie in a referendum or in the election of officers. Breaking of a tie in  
3 the election of officers is provided for in Section 8(e) – TCRC Division Rules.
- 4 e) It shall be the duty of the President to provide ways and lend encouragement to securing new  
5 members, to inquire into and investigate cause of any member or members being expelled and at  
6 times endeavour to build up and retain the membership of his division.
- 7 f) The President may speak on points of order in preference to other members of the division, rising  
8 from his seat for the purpose, and shall decide questions of order subject to an appeal to the division  
9 by any two (2) members. On such an appeal no member shall speak more than once.
- 10 g) When an appeal is made from the decisions of the president, the president shall put the question  
11 thus: "Shall the decision of the chair be sustained?"
- 12 h) It shall be the duty of the president and the privilege of any member of the division to call a member  
13 to order who violates an established rule of order.
- 14 i) The president shall be the principal officer of the division.

**SECTION 12****VICE PRESIDENT'S DUTIES**

15 It shall be the duty of the vice president to assist the president in the duties of his office; and in the  
16 absence of the president, he shall perform all the duties of the office; and should the vice president also  
17 be absent, the division shall elect a temporary president from the members present. The vice president  
18 shall serve as an alternate to the president and assume the duties of that office in the event it becomes  
19 vacant due to death, resignation or for any other reason.

**SECTION 13****SECRETARY-TREASURER - DUTIES AND BOND**

- 20 a) The secretary-treasurer shall be bonded for all funds received for the division. He shall keep a true  
21 account of all funds received by the division and shall deposit all moneys of the division in the name of  
22 the division in a bank designated by the division, disbursing none of the funds in his possession except  
23 for division purposes, and with the authority given by division action at a regular meeting and written  
24 order signed by the president. Fixed monthly expenses, such as meeting room rental, officers' salaries,  
25 telephone/utilities expenses, etc., once properly authorized for payment as stated in this section, will  
26 be considered as authorized each month until the division takes action eliminating such authorization.  
27 Disbursements of division funds will be by check signed by the secretary-treasurer and any one of the  
28 following persons: president, vice president or alternate secretary-treasurer.
- 29 b) (i) The secretary-treasurer of each division shall send the monthly reports to the secretary-treasurer  
30 of the GCA.
- 31 (ii) In case any secretary-treasurer shall fail to make his monthly report to the GCA General Secretary-  
32 Treasurer within ten (10) days from the time it shall become due, it shall be the duty of the GCA  
33 General Secretary-Treasurer to notify the president of the division of the failure of said secretary-  
34 treasurer to make proper returns.
- 35 c) The secretary-treasurer shall have charge of all books and papers pertaining to the duties of his office,  
36 and they shall be kept in a convenient place where he can have access to them at all times. He shall  
37 keep a true record of all meetings of the division, which shall be placed in the minute book at time of  
38 meeting, and shall keep his division accounts in such form that he may give the total amount of orders  
39 on treasury and balance in treasury at each meeting, and shall record balance in the minute book,  
40 issue notice of all special meetings when instructed to do so by the proper officer, notify candidates of  
41 their election within one (1) week after such election shall have taken place, and shall make out  
42 withdrawal cards, traveling cards, membership certificates, etc., and shall immediately forward  
43 proposition for membership to Rail Conference Secretary-Treasurer of the admission of all new

- 1 members by initiation, and shall report all cases of members transferred into or out of the division,  
 2 expelled, suspended, deceased or withdrawn, stating date and age of member; and the Rail  
 3 Conference Secretary-Treasurer will issue membership card to the division secretary-treasurer for his  
 4 records. If withdrawal card is issued, he must report why.
- 5 d) At all regular meetings of the division, the secretary-treasurer shall read from the record book a report  
 6 of the proceedings of the previous meeting; and at the end of each month, he shall present to the  
 7 division and the Rail Conference Office a monthly report, which shall embrace the number of persons,  
 8 proposed, accepted, rejected, initiated, forfeited, admitted by card, withdrawals, expulsions, the  
 9 number of deaths, together with the whole number of members in good standing; and at the  
 10 expiration of his official term, shall deliver to his successor all books, papers and moneys belonging to  
 11 his office. In the absence of the secretary-treasurer, the president will appoint some member of the  
 12 division present to perform the duties of the office.
- 13 e) (i) The secretary-treasurer, when requested to do so by the Rail Conference President, shall turn over  
 14 records, accounts and books of the division to the Rail Conference President's authorized  
 15 representative for audit or inspection.
- 16 (ii) The bond covering the office of the secretary-treasurer shall be in an amount in accordance with  
 17 Article X, Section 7(a) of the IBT Constitution. The expenses on bonds are to be paid by the division.
- 18 f) The secretary-treasurer will, in conjunction with president of the division, furnish a financial statement  
 19 annually to the Rail Conference Office in the prescribed form required by Section 27 – TCRC Bylaws.  
 20 He shall in general be responsible to insure that the duties set forth in Article XXIII of the IBT  
 21 Constitution are fulfilled with respect to members within the division consistent with these bylaws.

## SECTION 14

## CHAPLAIN'S DUTIES

- 22 It shall be the duty of the chaplain to assist in the exercise of opening and closing of the division, and  
 23 perform the duties of chaplain for the division on all public occasions.

## SECTION 15

## TRUSTEES – (AUDITING COMMITTEE) – DUTIES

- 24 a) It shall be the duty of the trustees (auditing committee) to examine the books and accounts of the  
 25 division annually, making a written report of same to the division; failing to do so, they shall be held  
 26 responsible for defalcations. They shall also make an annual report to the Rail Conference President at  
 27 the close of the year. Any division desiring to employ the services of a chartered accountant to assist  
 28 the auditing committee may do so by a majority vote of the members present at the meeting of the  
 29 division.
- 30 b) The president and secretary-treasurer will not be eligible to serve as trustees.

## SECTION 16

## LOCAL COMMITTEE OF ADJUSTMENT - DUTIES

- 31 a) It shall be the duty of ~~the~~ **each** local committee of adjustment of each division to meet at such time  
 32 and place as the chairman may designate and adjust, if possible, with the local officials of the railway  
 33 or system, the grievances of the members of their respective divisions.
- 34 b) The local committee or local chairman shall not handle any grievance, except upon written instructions  
 35 from their divisions (except in cases of emergency, such as dismissals, suspension, etc., or any cases  
 36 involving schedule interpretations); such cases may be referred directly to the local chairman, who  
 37 shall use his discretion as to whether they should be handled immediately or referred to the division  
 38 before handling. All grievances arising as a result of a disputed time claim, being referred to the local  
 39 committee for further handling shall be accompanied by a full statement of facts on a prescribed form  
 40 furnished at cost by the Rail Conference Office. A written report of all cases handled shall be made to  
 41 the division, and such report shall be filed with the division papers for future reference. Differences

- 1 the local committee is unable to adjust satisfactorily with the local officials must be sent along with a  
2 complete record to the GCA for further action.
- 3 c) The first of each year or each time a revised seniority list is issued; the local chairman of each division  
4 on a system will furnish the general chairman's office with a revised seniority list of their respective  
5 seniority districts, showing by check, names of all active members and names of all non-members  
6 under their jurisdiction.
- 7 d) The local committee of adjustment is vested with the authority to appoint additional representatives  
8 when necessary to represent the committee at points or locations where no member of the local  
9 committee is located or where the Rail Conference represents multiple crafts of railway workers.  
10 Where twelve (12) or more members of a division are employed in a craft not covered by Rail  
11 Conference agreements, the local committee of adjustment may appoint a member from that craft to  
12 represent their grievances. The appointed representative will work directly under the supervision of  
13 the local chairman and will be required to report directly to him.
- 14 e) **Local working conditions of a craft over which a division has jurisdiction may not be**  
15 **revised or changed unless authorized to do so by a majority of the votes cast by the**  
16 **members holding seniority and working in the craft at the time of the vote. Such a**  
17 **proposal must be read at one (1) regular or special meeting and thereafter, all affected**  
18 **members must be notified of the proposal and the date on which the proposal will be**  
19 **considered. If more than one craft is affected, the issue shall be determined by a majority**  
20 **vote of each and every affected craft, i.e., in the event any one of the crafts affected**  
21 **rejects the issue, the matter shall remain unchanged.**

22 **For the purpose of this Section 16 only, local crafts over which divisions have jurisdiction**  
23 **are:**

- 24 1.) LocomotiveEngineer  
25 2.) Conductor/trainmen  
26 3.) Yardmen/Switchtenders  
27 4.) Yardmasters  
28 5.) Rail Traffic Controllers  
29 6.) Shopcrafts

30 **and such other crafts as the Executive Board may establish.**

## **SECTION 17 DUTIES OF DIVISION LEGISLATIVE REPRESENTATIVE**

- 31 a) The duties and responsibilities of the Division Legislative Representative are the safety and sanitation  
32 of the working environment and the political education for the members of the Division.
- 33 b) The Division Legislative Representative will in their normal course of duties monitor the enforcement of  
34 safety rules, regulations, and acts of Parliament and/or provincial legislatures that provide the  
35 membership with a safe and healthy work environment.
- 36 c) The Division Legislative Representative shall undertake corrective measures relative to the issues  
37 specified above at the Division level. If unable to resolve those issues, they will report these issues to  
38 the Provincial Legislative Board Chairman for further handling. The Provincial Legislative Board  
39 Chairman shall undertake to correct such conditions through appropriate measures. Upon receipt of  
40 the unresolved issues and if they are unable to correct these issues, they will report these issues to the  
41 National Legislative Board Chairman for further handling.

- 1 d) In Provinces where there are no Legislative Boards, issues that cannot be resolved at the Division level  
2 shall be directed to the National Legislative Board Chairman.

## SECTION 18 DELEGATES TO THE RAIL CONFERENCE - HOW INSTRUCTED

- 3 a) Whenever a poll of a division is ordered to instruct a delegate to the Rail Conference, the secretary-  
4 treasurer will send out a ballot to each member (with all questions printed thereon), requesting him to  
5 vote on said questions; and when properly filled out, it must be returned to the secretary-treasurer  
6 before the date indicated on the ballot.
- 7 b) If a majority of the members vote in favour of the questions submitted, the division shall so instruct  
8 the delegate; and he shall carry out his instructions; such instructions shall be signed by the president  
9 and the secretary-treasurer; and said instructions shall be brought in person to the convention by the  
10 delegate so instructed; and in case he fails to carry out such instructions, he shall be guilty of violation  
11 of obligation.
- 12 c) (i) In the event a delegate shall be instructed in accordance with Subsections (a) and (b) of this  
13 section by a division to make nomination or nominations for any office of the Rail Conference, the  
14 president and secretary-treasurer of said division shall also file a copy of the instructions pertaining to  
15 nominations with the Secretary-Treasurer of the Rail Conference by sending same by certified mail,  
16 return receipt requested, at least ten (10) days prior to the date of the convening of the convention.
- 17 (ii) It shall be the duty of the instructed delegate to place in nomination at the convention of the Rail  
18 Conference the name or names of the candidate(s) for the office(s) designated in his instructions;  
19 however, in the event the instructed delegate fails to do so, the Secretary-Treasurer shall bring the  
20 matter to the attention of the presiding officer, who shall call on said delegate to place the name or  
21 names in nomination. If said delegate is not present at that time or refuses to make any nomination  
22 as to which he has been instructed, the Secretary-Treasurer, or in the event his office is involved in the  
23 election, the presiding officer, shall formally nominate said candidate for the office in question.
- 24 (iii) If any instructed delegate refuses to comply with nominating instruction, the Rail Conference  
25 President shall, as soon as practicable after the convention is concluded, serve said delegate with  
26 written specific charges. After the individual has been given a reasonable time to prepare a defence  
27 and has been afforded a full and fair hearing, the Rail Conference President shall have the authority,  
28 upon finding said delegate has wilfully or deliberately violated his obligation, to remove him from office  
29 as a delegate and/or to reprimand, expel or suspend his membership in the Rail Conference. If said  
30 delegate is found guilty and ordered removed from office, the Rail Conference Secretary-Treasurer  
31 shall immediately notify the alternate delegate and the division(s) represented by said delegate of the  
32 action taken and to further instruct the alternate delegate to assume representation of said division(s)  
33 until the next regular election of delegates.

## SECTION 19 OFFICER FAILING TO ATTEND MEETING

- 34 Should any officer of a division fail to attend the division meetings for four (4) consecutive months, he  
35 shall be subject to removal from office after a trial conducted under Article XIX, IBT Constitution. In the  
36 application of this section, excuses can be, but not limited to, working, attending other division business,  
37 vacation, etc.

## SECTION 20 VACANCIES - HOW FILLED

- 38 a) An officer of a division may at any time resign. Resignation shall be in writing and shall be read at a  
39 regular meeting of the division by the secretary-treasurer; and the resigning officer shall not be  
40 eligible for nomination, re-election or appointment to the office vacated until the next regular  
41 triennial election of division officers. Any office left vacant by resignation, death, or otherwise,  
42 special election shall be held by ballot. Notice of nomination will be posted ten (10) days prior to  
43 regular meeting, and ballots will be mailed at least fifteen (15) days prior to regular meeting. Ballot  
44 must specify the date to be returned to division secretary-treasurer. The president will fill the office

1 vacated by appointment until such election; provided, special election need not be held if vacancy  
 2 occurs within twelve (12) months of regular division election. Provided further, that no special  
 3 election shall be necessary to fill an office that is protected by an alternate, or to fill the alternate  
 4 office that is vacated. (Any officer or member who is under Rail Conference suspension shall not be  
 5 eligible to be appointed or become a candidate for any division office while under suspension.)

6 b) Temporary vacancies created by illness, incapacity or unavailability in the office of local chairman  
 7 shall be filled by appointment by the local chairman from members of the local committee of  
 8 adjustment.

## SECTION 21

## OFFICIAL LETTERHEADS

9 The official letterheads of the Rail Conference Office and of divisions shall be used for Rail Conference  
 10 business only.

## SECTION 22

## BILLS - HOW PAID

11 All bills against divisions shall be acted upon by the divisions; and on such bills being ordered paid by a  
 12 majority of members present, the secretary-treasurer shall make an order signed by himself and the  
 13 president and shall pay such bills, taking the receipts of the parties to whom they are paid unless paid by  
 14 check, in which case the cancelled check will be the receipt. Funds of the division are to be used only to  
 15 defray the legitimate obligations of the division.

## SECTION 23

## CORRESPONDENCE

16 Any division president, secretary-treasurer, local chairman, legislative representative or general chairman  
 17 of any system, upon receiving correspondence or other communication, either from the Rail Conference  
 18 or from a division, requesting information relative to a member, or any other business between divisions,  
 19 shall reply to the same without delay.

## SECTION 24

## EXPENSE OF COMMITTEE

20 a) When a division is composed of members ~~on~~ **of** more than one (1) railway, **craft** or seniority district,  
 21 the time and expense of the local committee **of adjustments** representing each railway, **craft** or  
 22 **seniority district** will be paid promptly from the funds of their **respective local committee of**  
 23 **adjustments, held by the** division. When necessary to reimburse the division, a pro rata assessment  
 24 shall be levied on all members employed on the railway, **craft** or **seniority district** which each local  
 25 chairman represents, provided that such assessment is authorized by a two-thirds (2/3) affirmative  
 26 vote by secret ballot of all the active members of the affected railway, **craft** or seniority district  
 27 present at the meeting at which the matter is considered, provided, however, that reasonable notice of  
 28 intention to vote on such question has been given.

29 b) Members doing committee work as instructed by the division shall receive not less than time lost plus  
 30 necessary expenses.

31 c) Each division has the authority to make such arrangements for the payment of time consumed by the  
 32 local chairman in addition to time or mileage lost as best meets with the needs and wishes of the  
 33 membership. **Compensation and expenses for members of the Local Committee shall be**  
 34 **determined by the members of the division under the jurisdiction of the Committee.**

## SECTION 25

## ACTIVE SERVICE - ACTIVE MEMBERSHIP – MEMBERSHIP

35 a) "Membership" shall be understood to mean all persons belonging to and paying dues into the Rail  
 36 Conference, including honorary and excused members.

- 1 b) "Active membership" shall be understood to mean employment in a railway or those holding seniority  
2 as aforementioned and employed exclusively by the Rail Conference.

3 Note: *Exceptions to Paragraphs (b) and (c) of this Section 25 may be made on behalf of other groups of*  
4 *employees by the action of the Rail Conference Executive Board.*

- 5 c) "Active service" shall be understood to mean employment in railway crafts or holding seniority in such  
6 service, or those holding seniority as aforementioned and employed exclusively by the Rail  
7 Conference.

## SECTION 26

## MEMBERSHIP ELIGIBILITY

- 8 Individuals in service as defined in Section 25 – TCRC Division Rules are eligible for membership in the  
9 Rail Conference.

## SECTION 27

## APPLICATION FOR MEMBERSHIP

- 10 All proposals for membership shall be made to the division located on the division of the system or the  
11 railway where the applicant is employed; and on the application blanks for membership by initiation,  
12 there shall be a blank space where the applicant shall be required to state the date of his qualification.

## SECTION 28

## REGISTER

- 13 All divisions shall keep a registry book at their division room, and it shall be the duty of the president to  
14 have it opened for registry at each meeting. He shall call upon all members present previous to opening  
15 and closing the division to register in their own handwriting their names in such book.

## SECTION 29

## GRIEVANCES - HANDLED

- 16 Should a member present a grievance to his division for adjustment, he shall receive assistance from the  
17 division and general committee if he is in good standing and not in arrears for dues or assessments when  
18 request is made.

## SECTION 30

## DIVISION MAY APPEAL TO EXECUTIVE BOARD

- 19 a) In the event of trouble arising in any division or between two (2) or more divisions that cannot be  
20 amicably adjusted, the Rail Conference Executive Board shall investigate the trouble and render a  
21 decision, which shall be final and binding subject to appeal under applicable provisions of the IBT  
22 Constitution.
- 23 b) When a Rail Conference officer is detailed to investigate any matter within a division, the president  
24 and the secretary-treasurer shall be present at such meeting or investigation if possible. Should it be  
25 necessary for them to lose time on this account, they will be paid for time lost by the division.

## SECTION 31

## MEMBER MAY APPEAL TO EXECUTIVE BOARD

- 26 a) Should any member feel that any injustice has been done him by any decision of his division, he may  
27 appeal to the Rail Conference Executive Board, making a written statement of his case, and file a copy  
28 of same with the division, except cases under the jurisdiction of a GCA, Section 29(b) – TCRC GCA  
29 Rules. After allowing the division a reasonable time to reply, the Rail Conference Executive Board  
30 shall consider the facts and evidence, as well as the law, and render a decision that shall be final  
31 subject to appeal to the General President of the IBT in accordance with Article VI, Section 2(a) – IBT  
32 Constitution.
- 33 b) A member, making an appeal under this section, must file same within sixty (60) days of the action  
34 being taken by the division of which he is a member.

**SECTION 32****DIVISION MUST ENTERTAIN APPEAL**

- 1 Any member in good standing who feels that an injustice has been done him, in a case coming under the  
2 jurisdiction of the GCA, may appeal to that body, provided such appeal is made within sixty (60) days;  
3 and the division must entertain such appeal and send it to the chairman of the GCA.

**SECTION 33****MEMBERSHIP - WHERE HELD**

- 4 a) When two (2) or more divisions are located on one (1) seniority district, the member may hold  
5 membership in the division located at the point nearest where he resides. In all other cases,  
6 membership shall be held in the division that under the law adjusts his grievances.
- 7 b) On systems where members hold system seniority on which there are two (2) divisions having  
8 concurrent jurisdiction, membership may be held in either division.

**SECTION 34****MEMBERS CHANGING ADDRESS  
MUST NOTIFY SECRETARY-TREASURER**

- 9 a) It shall be the duty of members away from the location of their division to make known to their  
10 division their whereabouts and the business in which they are engaged at least once in three (3)  
11 months.
- 12 b) Any member moving from one (1) location to another, resulting in a permanent change of address,  
13 shall notify the secretary-treasurer of his division of such change of address.

**SECTION 35****DIVISION MUST REQUEST TRANSFER  
AND PAY GCA ASSESSMENTS**

- 14 a) When a member of any division, except a division officer or the chairman or a member of the local  
15 committee of adjustment, obtains employment under the jurisdiction of another division, it will be his  
16 duty within ninety (90) days after securing such employment to make application to such division for  
17 transfer card.
- 18 b) It shall be the duty of the division to which application has been made to request the transfer card  
19 from the division in which he holds membership. If a member secures employment under the  
20 jurisdiction of another division and fails to request a transfer within one hundred twenty (120) days  
21 after obtaining employment, the division having jurisdiction may request a transfer card from the  
22 division in which he holds membership.
- 23 c) A division receiving a request for a transfer card from another division, in accordance with Article  
24 XVIII, Section 3 – IBT Constitution, shall, if the member is square on the books of the division, grant  
25 such card without delay.
- 26 d) The secretary-treasurer of the division granting the card shall send it to the secretary-treasurer of the  
27 division to which the member is to be transferred. As soon as transfer card is received, the secretary-  
28 treasurer of the division receiving the card shall notify the secretary-treasurer of the division granting  
29 the card immediately of its receipt.
- 30 e) Upon receipt of a transfer card, issued in accordance with Article XVIII, Section 3 – IBT Constitution,  
31 the member on whose account it is issued shall be declared a member of the division requesting the  
32 card without further action; but he remains a member of the division granting the card until the  
33 division to which he is transferred has received it. Such members shall pay the secretary-treasurer of  
34 the division having jurisdiction over the territory of the road upon which employed, all local and GCA  
35 assessments levied after his employment, regardless of whether his division membership has been  
36 transferred or not. No member will be required to pay GCA assessments on more than one (1) railway  
37 at the same time. Failure to pay division and GCA assessments where employed will be sufficient

- 1 cause for expulsion if found guilty after a full and fair hearing in accordance with Article XIX, Section 1  
2 – IBT Constitution, inclusive, before the division which under Rail Conference law is empowered to  
3 adjust his grievances.

**SECTION 36****DUES AND ASSESSMENTS**

- 4 a) No assessments shall be levied by a division without a two-thirds (2/3) majority vote, by secret ballot,  
5 of all the active members present after a reasonable notice of intention to vote upon such question  
6 has been given.
- 7 b) The employment status of a member on the first day of any month shall determine the amount of  
8 dues and assessments for which he is liable in the next succeeding months, except where  
9 agreements have been consummated with the carrier contradictory to this agreement. Employment  
10 status shall mean the member's regular assignment.
- 11 c) All dues and assessments are payable on or before the first day of the month to which they apply  
12 and, except in the case of dues check-off, are delinquent after the 20th day of the same month.  
13 Where there is an agreement in effect with the carrier to have dues deducted from the payroll at  
14 source, the secretary-treasurer of the GCA shall remit dues and assessments including legislative  
15 dues to the Rail Conference Secretary-Treasurer and shall also remit legislative board assessments  
16 and division assessments to the secretary-treasurer of the legislative board, and the division  
17 respectively.

**SECTION 37****MEMBER IN ARREARS**

- 18 Any member failing to pay dues or assessments as per Section 36 – TCRC Division Rules will be subject  
19 to expulsion, unless upon request in writing, signed by him, he is carried or excused by the division.

**SECTION 38****RELIEF COMMITTEE**

- 20 It shall be the duty of the president, vice president, and chaplain to act as relief committee. Their duties  
21 shall be to visit the sick and provide them with any attention of which they may be in need.

**SECTION 39****RELIEF OF SICK OR DISABLED MEMBERS**

- 22 Should any division assist a sick or disabled member, the necessary funds may be taken from the  
23 treasury of the division or raised by assessment as per Section 36 (a) – TCRC Division Rules or voluntary  
24 contribution.

**SECTION 40****MEMORIAL DAY**

- 25 April 28 or any other day set aside by the Canadian Labour Congress each year shall be observed as a  
26 day of mourning. The day is to be observed by all divisions, with appropriate services in memory of our  
27 deceased members.

**SECTION 41****NON-MEMBER EMPLOYEES PROTECTED**

- 28 Any person engaged in any service coming under the jurisdiction of any Rail Conference contract or  
29 schedule, or engaged in any service over which the Rail Conference is endeavouring to secure jurisdiction  
30 by contract shall, in case of injustice, be entitled to the full protection of the division and general  
31 committees of adjustment under the terms and conditions of Section 41(c) – TCRC GCA Rules, provided  
32 application is made to the division in writing and meets with their approval.

**SECTION 42****CHARGES**

- 1 Charges in the division shall be handled in accordance with Article XIX, Section 1(a) of the IBT  
2 Constitution.

**SECTION 43****REFUSING TO SUSTAIN THE GCA OR  
INTERFERING WITH A LOCAL COMMITTEE**

- 3 Any member refusing to sustain the action or carry out instructions of the GCA of a system on which he is  
4 employed or who in any manner interferes with a case or cases in the hands of the local committee or  
5 the GCA shall, upon conviction after trial as provided in Article XIX, Section 1 – IBT Constitution, be  
6 expelled.

**SECTION 44****SOLICITING AID**

- 7 No division shall be allowed to solicit financial aid, either by circular or otherwise, from other divisions of  
8 the Rail Conference, except by consent of the Rail Conference President.

**SECTION 45****TAKING THE PLACE OF A STRIKER**

- 9 a) It is the policy of the Rail Conference that it will support and, if necessary, place the full power of the  
10 Rail Conference behind the members of the Rail Conference who, because of fear of hazard or injuries  
11 to themselves or families or damage to their personal property, decline to cross picket lines; and if  
12 such conditions do exist, the management of the railway so affected will be notified by the local or  
13 general chairman of the Rail Conference.
- 14 b) In case a strike is called by any labour organization which has for its purpose preventing the  
15 enforcement of Rail Conference contracts or an invasion of the jurisdictional or contractual rights of  
16 the Rail Conference, and, in enforcing the strike, picket lines are established, the Rail Conference will  
17 exert all the force at its disposal in an effort to make it possible for members to report for and perform  
18 their normal duties. In such cases, the Rail Conference President will promptly notify all concerned  
19 whether or not the controversy causing the strike is jurisdictional.

**SECTION 46****TAKING CASE TO COURT**

- 20 (a) No member or members or any division of the Rail Conference shall submit or appeal any case in  
21 controversy arising within the Rail Conference, for which the laws of the Rail Conference provide a  
22 means of settlement, within four (4) months lapse time from the date of the decision, to the judges  
23 of the civil courts or administrative tribunals, for opinion or decision, without having previously  
24 exhausted all such remedies for settlement available to them within the Rail Conference.
- 25 (b) Any member violating the provisions of paragraph (a) of this section shall be expelled if found guilty  
26 after trial in accordance with Article XIX, Section 1 – IBT Constitution.
- 27 (c) Any division convicted of the same offence shall have its charter suspended by the Rail Conference  
28 President subject to appeal to the Executive Board.

**SECTION 47****REINSTATEMENTS**

- 29 a) All applications for reinstatements must be made in writing, stating date of birth and giving name of  
30 railway employing him.
- 31 b) An application for reinstatement of expelled members, except for non-payment of dues and  
32 assessments, must lie over to the first regular meeting after application is received.

- 1 c) No member who has been expelled shall be reinstated unless he is eligible for active membership, as  
2 provided in Section 25(b) – TCRC Division Rules; at the time he makes application.
- 3 d) Any member who has been expelled for the non-payment of dues and assessments, upon application  
4 to the division from which he was expelled, may be reinstated by a majority vote of all the members  
5 present at the meeting when the application is received.
- 6 e) If expelled for any other cause, he shall not be eligible as a candidate for readmission in less than  
7 three (3) months, after which time he must apply to the division from which he was expelled for  
8 reinstatement; and he may be reinstated by a two-thirds (2/3) vote of all members present if he is  
9 eligible for active membership, as provided in Section 25(b) – TCRC Division Rules, when application is  
10 made.
- 11 f) No member who has been expelled upon receipt of findings and recommendations of another division  
12 can be reinstated until the consent of the division that recommended his expulsion has been obtained.  
13 Any member expelled for violation of obligation, if reinstated, must be re-obligated and furnish  
14 evidence, if requested by the division, that he has not joined any other labour organization than one  
15 recognized as legal by the Rail Conference.
- 16 g) In the case of an expelled member, of a division that has gone out of existence, desires  
17 reinstatement, he may, with the consent of the Rail Conference President, be reinstated by any  
18 division to which he may apply.
- 19 h) Reinstated members will be required to pay Rail Conference dues for the month in which they are  
20 reinstated, and such other dues as may be determined by the division, except that a member who has  
21 been expelled for non-payment of dues and assessments, when reinstated, shall not be required to  
22 pay more than Rail Conference dues, division, GCA and legislative board dues and assessments for the  
23 month in which he is reinstated.

**SECTION 48****ORDER OF BUSINESS**

- 24 1. Opening division in due form.
- 25 2. Reading of minutes of the previous regular meeting, with those of subsequent special meetings,  
26 directly from the minute book for approval.
- 27 3. The reading or referring of petitions or propositions.
- 28 4. Report of committees on previous propositions.
- 29 5. Voting on proposed members.
- 30 6. Initiation of candidates.
- 31 7. Unfinished business and reports of local and general committees and legislative boards.
- 32 8. Financial business.
- 33 9. New business.
- 34 10. Request for information of any sick or disabled brother or a brother's family in distress.
- 35 11. Reading of minutes for correction before closing in due form.

**SECTION 49****LAW IN EFFECT**

36 ~~These TCRC Bylaws, except as herein specified, will be in effect on and after the first day of [Date].~~

This Section, entitled "General Committee Rules," has to do primarily with the functioning of General Committees.

Note: For purpose of clarity, President of the Conference will be referred to as "Rail Conference President" in this section. "President" will refer to President of the division.

<b>THIS LIST IS PROVIDED AS A CONVENIENT AID FOR SEARCHING SECTIONS LOCATED IN THE RAIL CONFERENCE GENERAL COMMITTEE RULES.</b>		
<b>SECTION</b>		<b>PAGES</b>
1	General Committee of Adjustment – How Organized.....	41
2	GCA Representation.....	41
3	Number of Assessable Delegates.....	41
4	When two or more GCAs are Organized, May Consolidate.....	41, 42
5	Dividing a General Committee of Adjustment.....	42
6	Executive Committee – How Formed.....	42
7	Duties of Executive Committee.....	42
8	GCA Meetings.....	42, 43
9	GCA Elections of Officers.....	43
10	Chairman May Be Made Salaried Officer.....	43, 44
11	General Chairman's Duties.....	44
12	Duties of the Vice-General Chairman, GCA.....	44, 45
13	Duties of the Secretary-Treasurer, GCA.....	45
14	Rail Conference President - Called By GCA.....	45
15	Trusteeships.....	45
16	Authority for Taking Strike Vote and Withdrawing from Service.....	45, 46
17	Members Placed on Payroll.....	46
18	Authority for Declaring Strike Off.....	46
19	GCA Convened by the Rail Conference President.....	46
20	Members Must Not Sign Contracts Unless Authorized.....	46
21	Communications – Illegal.....	46
22	Member or Officer May Be Expelled from the GCA.....	47
23	GCA May Make Its Own Rules.....	47
24	GCA Decisions Stand as Law.....	47
25	Appeal May Be Taken.....	47, 48
26	Appeal to Rail Conference President.....	48
27	GCA – How Paid.....	48
28	Expense of Committee.....	48, 49
29	GCA – Authority and New Business.....	49
30	Authority of Rail Conference President in Mergers, Etc. With Protective Agreements.....	49, 50, 51, 52
31	Other Mergers Etc. On Two or More Railways.....	52
32	Traffic Merged Etc. On One Railway.....	52, 53
33	Statute of Limitation.....	53
34	Representation Establishment of Seniority and Mileage Regulations.....	53
35	Divisions Refusing to Sustain Committee.....	54
36	Divisions Refusing to Take Vote.....	54
37	Agreement Governing Rates of Pay on All Kinds of Power.....	54
38	Attempting to Reduce Standard Wages.....	54
39	Contract Procedures.....	54, 55
40	Violation of Contract – Railway Officials.....	55
41	Grievances.....	55
42	Members – Misrepresentation of Facts.....	55
43	Association of General Chairmen, Rail Conference.....	56

**SECTION 1 GENERAL COMMITTEE OF ADJUSTMENT - HOW ORGANIZED**

1 On any system of railway where two (2) or more divisions are organized, there shall be a standing  
2 general committee of adjustment whose members shall be elected triennially at the regular division  
3 election. On any line or system of railroad under or controlled by one (1) president or by an executive  
4 committee under whom are one (1) or more presidents or managers, where a railway or branch  
5 constitutes a separate department of the system and on which the Rail Conference has separate and  
6 distinct schedules of pay, different from schedules in force on other parts of the system, such railway or  
7 branch shall have the privilege of maintaining its own GCA. On railways or systems having an executive  
8 committee, the GCA shall have power only to settle all differences that can by them be adjusted with any  
9 and all officers of such railway or system subordinate to the president.

**SECTION 2 GCA REPRESENTATION**

- 10 a) Each division with twelve (12) or more active members paying GCA assessments on a railway or  
11 system shall be entitled to one (1) representative and one (1) vote in the committee, unless otherwise  
12 authorized by the GCA and the Rail Conference President; provided, however, that on a railway or  
13 system where there is but one (1) division, the local committee will be the GCA; where there are two  
14 (2) divisions, the division having the most members employed on such system shall have two (2)  
15 representatives, and two (2) votes on the committee.
- 16 b) Each division having members employed on more than one (1) railway or system shall be entitled to a  
17 member of the GCA on each system represented. The chairman of the local committee of adjustment  
18 shall be a member of the GCA on the railway he represents; and only members employed on that  
19 railway shall have a vote for their local committee, which vote shall be by secret ballot.
- 20 c) On short-line railways where the membership feel they will derive more economic and more efficient  
21 representation by merging with the general committee of another railway, they may, by a majority  
22 vote of the active membership casting a ballot, request the Rail Conference President to permit them  
23 to merge with some other GCA of their choice (choice to be determined by majority vote). If, in the  
24 opinion of the Rail Conference President, such merger would operate to the best interests of the Rail  
25 Conference, he shall order the same to become effective on a specified date; provided, however, the  
26 general committee with which the merger is proposed shall approve of the same by a majority vote in  
27 accordance with Section 39(b) – TCRC GCA Rules.
- 28 d) In the event of such merger becoming effective, the so-called short-line railway shall be entitled to  
29 representation on the merged GCA, as provided for in Paragraph (a) of this section.

**SECTION 3 NUMBER OF ASSESSABLE DELEGATES**

30 Any secretary-treasurer of the division who fails to report to the secretary-treasurer of the GCA all  
31 assessable members belonging to his division shall be expelled when found guilty after trial in accordance  
32 with the provisions of Article XIX, Section 1 – IBT Constitution.

**SECTION 4 WHEN TWO OR MORE GCAs ARE ORGANIZED, MAY CONSOLIDATE**

- 33 a) (i) On any system or railway having one (1) or more general managers under one (1) executive officer  
34 or president, where two (2) or more GCAs are organized, they can merge into one (1) GCA, provided a  
35 two-thirds (2/3) majority of the GCAs of the territory affected so decide. Such mergers of GCAs shall  
36 not become effective until after the expiration of sixty (60) days and no appeal from the action has  
37 been made. If an appeal is made within sixty (60) days of such action of GCAs, the question shall be  
38 referred to the membership on that portion of the system from which appeal is made; and unless a  
39 majority of the members on such portion of the system vote to merge their GCAs, their individual GCA  
40 shall continue as heretofore.

- 1 (ii) Upon effecting such merger, officers of the merged general committee shall be elected as provided  
2 in Section 9 – TCRC GCA Rules.
- 3 b) After the merger is consummated, the general chairman may at any time convene only that portion of  
4 the GCA that is under the jurisdiction of the general manager of the territory affected.
- 5 c) In the event a GCA on any small railway or system desires to merge with the GCA under the same  
6 general manager or one (1) executive officer or president, and said GCA is not agreeable to such  
7 merger, the request with all facts in connection therewith will be referred to the Rail Conference  
8 President who, in conjunction with the Rail Conference Executive Board, will make a recommendation  
9 to the IBT General President, who will decide the matter, subject to appeal under applicable provisions  
10 of the IBT Constitution.
- 11 d) However, in the event the Rail Conference President has reason to believe that the merging of a small  
12 GCA would be in the best interest of the members, he shall forward the request with all facts in  
13 support of his position to the affected general committees, requesting they voluntarily agree to the  
14 merger. The final decision will rest with the affected members of the involved committees as per  
15 Section 4(a) above.

## SECTION 5 DIVIDING A GENERAL COMMITTEE OF ADJUSTMENT

16 The dividing of a consolidated GCA should be promulgated, if at all possible, at the consolidated GCA  
17 regular session. When it appears necessary or desirable to divide a GCA on any line or system of railway  
18 under or controlled by one (1) president or by an executive committee under whom are one (1) or more  
19 presidents or managers, where a railway or branch constitutes a separate department of the system and  
20 on which the Rail Conference has separate schedules of pay, such railway or branch shall have the  
21 privilege of withdrawing from the consolidated GCA and form a separate GCA; provided, after one (1)  
22 year from their last regular session, a majority of the active membership casting ballots in the division on  
23 the territory that wish to withdraw so express by referendum vote.

## SECTION 6 EXECUTIVE COMMITTEE - HOW FORMED

24 To form an executive committee, it will require a majority vote of all members of the GCA of the railway  
25 or system affected. It shall consist of a general chairman, secretary-treasurer, and vice-chairman or vice-  
26 chairmen, and such other members of the GCA, as the general committee deems advisable.

## SECTION 7 DUTIES OF THE EXECUTIVE COMMITTEE

27 Duties of the executive committee shall be to adjust only subjects referred to it by action of a majority of  
28 the full GCA.

## SECTION 8 GCA MEETINGS

- 29 a) It shall be the duty of the GCA of each system to meet triennially after the triennial election of the  
30 division, unless the GCA has adopted a resolution to meet quadrennially (once each four (4)-year  
31 period), at such time and place as may be determined by the chairman and secretary-treasurer, or by  
32 a majority of the divisions, and adjust the differences existing on the systems.
- 33 b) (i) At any time between regular sessions, should a majority of the divisions on a system instruct the  
34 chairman to convene the GCA, he shall do so without delay. Should said general chairman refuse or  
35 neglect to do so, the Rail Conference President shall be empowered to suspend said general chairman  
36 from office pending trial.
- 37 (ii) The Rail Conference President will assign a Rail Conference officer to the property with instructions  
38 to convene without delay said GCA and preside over same. All expenses incurred by so doing shall be  
39 borne by the GCA on the property where the violation occurs; and the general chairman so offending,  
40 if found guilty by a majority of the members of the GCA after having been served with written specific

- 1 charges, given a reasonable time to prepare a defence and afforded a full and fair hearing, shall be  
2 penalized as per Article XIX – IBT Constitution.
- 3 c) In case of an emergency, the chairman is empowered to convene the GCA when, in his judgment, it is  
4 necessary.
- 5 d) At all such meetings, as soon as each division has presented and discussed grievances and, if a regular  
6 meeting, the officers have been elected, the GCA may reduce to an executive committee, elected by  
7 the GCA.

**SECTION 9****GCA ELECTION OF OFFICERS**

- 8 a) The chairman, vice-chairman or vice-chairmen, and secretary-treasurer of the GCA will be elected after  
9 the officers have made their report and each division has presented and discussed its grievances and  
10 before reducing to an executive committee. Chairman and vice-chairman or vice-chairmen shall hold  
11 active membership as defined in Section 25(b) – TCRC Division Rules.
- 12 Note: *Eligibility to nominate, second and run for office will be determined by the applicable provisions*  
13 *of the IBT Constitution as set forth and modified in Paragraph 6.8 of the Merger Agreement.*
- 14 b) At the regular election of officers of the GCA, a majority of the ballots cast shall be required for  
15 election. If after fifteen (15) ballots have been taken and no candidate has received a majority of  
16 votes cast, the names of two (2) candidates receiving the highest number of votes shall be arranged  
17 alphabetically on the ballot and submitted to a secret referendum vote of the active membership of the  
18 system within thirty (30) days. The candidate receiving the highest number of votes will be declared  
19 elected.
- 20 c) (i) Where there are two (2) divisions on a system, each division will nominate its candidate or  
21 candidates for the office of general chairman.
- 22 (ii) The secretary-treasurer of each division will notify the secretary-treasurer of the GCA of the names  
23 of the candidates, who in turn will furnish a list of names of candidates of both divisions for office of  
24 general chairman to the respective secretary-treasurers of the two (2) divisions; the names of the  
25 candidates for office of general chairman will then be placed on a separate ballot and sent out to  
26 members affected, with the regular division ballot.
- 27 (iii) Upon the completion of the election of officers in the division, the secretary-treasurer of each  
28 division will notify the secretary-treasurer of the GCA of the number of ballots cast for each candidate  
29 and the name of the candidate who received the majority of votes. The secretary-treasurer of the GCA  
30 will then notify the secretary-treasurer of each division of the name of the successful candidate for the  
31 office of general chairman, with the tabulation of votes cast by each division for candidates for that  
32 office. In case no candidate receives majority of votes cast, Paragraph (b) will apply.
- 33 d) In the event a majority of the delegates of a GCA are so instructed by the division they represent, the  
34 general chairman will be elected by a secret referendum vote of the active membership on the system.  
35 The candidate receiving the highest number of votes will be declared elected.

**SECTION 10****CHAIRMAN MAY BE MADE SALARIED OFFICER.**

- 36 a) The chairman of the GCA shall be made a salaried officer if so decided by a majority of all votes cast  
37 by members paying GCA assessments in a secret referendum vote on the system. Such salaried  
38 chairman must be in active service as defined in Section 25(c) – TCRC Division Rules at the time of his  
39 election.
- 40 b) The position of salaried chairman shall be abolished, provided such action is carried by a majority of all  
41 the votes cast by members paying GCA assessments on the system or unit in a secret referendum

- 1 vote; such vote to be taken at the request of one-fourth (1/4) of the divisions on the system or unit. A  
2 vote once taken and decided cannot be renewed for one (1) year.
- 3 c) In taking a referendum vote to place a general chairman on a salary in accordance with Paragraph (a)  
4 or to abolish the salary of a general chairman in accordance with Paragraph (b), the ballot will be  
5 prepared by the general chairman and secretary-treasurer; and sufficient ballots will be sent to each  
6 division's secretary-treasurer to vote the membership paying GCA assessments. The ballots must be  
7 returned to the division secretary-treasurer either in person or by government mail. After ballots are  
8 voted, each division will count and tabulate the votes cast and forward same to the General Secretary-  
9 Treasurer of the GCA, who will notify each division of the result of the vote.

**SECTION 11****GENERAL CHAIRMAN'S DUTIES**

- 10 a) A salaried chairman shall devote his whole time to the interests of the members on his system and visit  
11 the divisions. Any chairman of the GCA, when called upon by one (1) or more divisions on his system,  
12 shall be empowered in conjunction with the local committee to adjust, if possible, any differences that  
13 may arise between members and their employers without convening the GCA. Failing, he may notify  
14 the Rail Conference President of the facts in detail and call upon him for assistance. Receiving such  
15 call, the Rail Conference President will assign a Rail Conference vice president; or he may authorize the  
16 general chairman to represent him. The general chairman will not, however, vote the active members  
17 or withdraw them from the service without permission from the Rail Conference President. In case the  
18 local committee cannot be convened readily, the chairman shall have the power to select one (1) or  
19 more members to assist him.
- 20 b) It shall be the duty of the general chairman to convene the GCA in accordance with Section 8 – TCRC  
21 GCA Rules and to preside over the meeting while in session. He will make a report to the committee in  
22 session of items not completed and carried out from the last session of the committee. He shall render  
23 to each division on the system a report at the end of each quarter and send to each division and each  
24 local chairman a copy of the rulings and interpretations of the schedule under which they are working;  
25 and at the close of the year, he will render an annual report to the Rail Conference Office, the expense  
26 of same to be paid out of the funds of the general committee. He may fill the president's chair when  
27 visiting the divisions on the system. He shall be paid for his services by an assessment on all active  
28 members on the system (as provided in Section 36 – TCRC Division Rules), provided that such  
29 assessment will be in effect only until the next session of the GCA, at which time it will be continued,  
30 discontinued or revised.
- 31 c) The general chairman shall have authority to review the books of any or all divisions within his  
32 jurisdiction when, in his opinion, it is desirable to do so.
- 33 d) The general chairman shall be bonded in accordance with Article X, Section 7(a) of the IBT  
34 Constitution.
- 35 e) The general chairman shall be recognized as the GCA between meetings of that body; and his decision  
36 on all matters within the scope of authority of the GCA shall be made effective subject to appeal in  
37 accordance with the provisions of Sections 24 and/or 25 – TCRC GCA Rules, except for matters  
38 specifically stipulated in Sections 30 and 31 – TCRC GCA Rules.

**SECTION 12****DUTIES OF THE VICE-GENERAL CHAIRMAN, GCA**

- 39 a) The vice-chairman shall assist the general chairman when called upon to do so and, in the absence of  
40 the general chairman, shall fill that office in accordance with the bylaws of the GCA. In the event the  
41 office of general chairman becomes vacant through death or otherwise, he shall fill the office until a  
42 successor has been duly elected in keeping with the laws herein provided for or by the bylaws of the  
43 GCA.

- 1 b) In the absence of GCA bylaws to govern, the vice-chairman shall convene the committee within thirty  
 2 (30) days for the purpose of electing a chairman, unless such vacancy occurs within six (6) months of  
 3 the regular date of convening said GCA.

### **SECTION 13 DUTIES OF THE SECRETARY-TREASURER, GCA**

- 4 a) The secretary-treasurer shall be bonded in accordance with Article X, Section 7(a) of the IBT  
 5 Constitution; and he shall notify the Rail Conference President when the general committee will  
 6 convene and the nature of the business to be transacted; he will furnish each division on the system a  
 7 copy of the minutes of each session of the GCA, which shall include the number of each division  
 8 represented, together with the assessable members of each.
- 9 b) The secretary-treasurer shall remit Rail Conference dues and assessments to the Rail Conference  
 10 Secretary-Treasurer and shall also remit division and legislative board assessments to the secretary-  
 11 treasurer of the division and the Provincial Legislative Board, respectively, on or before the 20th day of  
 12 the next succeeding month for which such dues and assessments are collected.
- 13 c) The secretary-treasurer shall render an annual financial itemized report of all receipts and  
 14 disbursements to each division, the general chairman and the Rail Conference President and at the  
 15 expiration of his term of office deliver to his successor all books, papers, files and funds of the GCA.
- 16 d) The secretary-treasurer shall furnish the Rail Conference President a copy of the minutes of each  
 17 session of the GCA. He shall in general be responsible to insure that the duties set forth in Article XXIII  
 18 of the IBT Constitution are fulfilled with respect to the general committee consistent with these bylaws.

### **SECTION 14 RAIL CONFERENCE PRESIDENT - CALLED BY GCA**

- 19 A GCA may call upon the Rail Conference President for assistance to dispose of any issue in dispute  
 20 between the general committee and its management, which has not been satisfactorily disposed of. If  
 21 such assistance is requested, it shall be given precedence over all other business; and the Rail  
 22 Conference President shall respond in person, at once, or send a Rail Conference vice president, who will  
 23 use all honourable means to make a satisfactory disposition of the dispute.
- 24 Except as provided in Sections 30 and 31 – TCRC GCA Rules, the Rail Conference President shall not be  
 25 empowered to assign a Rail Conference vice president to assist any GCA unless requested to do so by  
 26 said GCA.

### **SECTION 15 TRUSTEESHIPS**

- 27 The authority to place subordinate bodies into trusteeship and appoint trustees is vested in the General  
 28 President of the IBT under the provisions of Article VI, Section 5 – IBT Constitution subject to the  
 29 provisions of paragraph 6.11 if the Merger Agreement.

### **SECTION 16 AUTHORITY FOR TAKING STRIKE VOTE AND WITHDRAWING FROM SERVICE**

- 30 a) In the event of a question of wages or other causes where the Rail Conference is likely to be involved  
 31 in an issue with a railway company or when a strike is in progress on any railway, no one will be  
 32 permitted to take an active part in the deliberations of any division while the question at issue is under  
 33 discussion unless he is in active service as a railway employee as defined in Section 25(c) – TCRC  
 34 Division Rules. The employees on every railway shall settle their grievances with their own GCA, if  
 35 possible. Failing to do so, they may call on the Rail Conference President who, in conjunction with the  
 36 majority of the committee, shall have full power to give permission to poll the railway; and after such  
 37 permission has been granted, the employees on the railway shall decide whether they will quit work or  
 38 not by a majority of the ballots cast by all the members employed on the system where the trouble  
 39 exists, except as provided in Section 16(b) below. Members belonging to divisions who are not

- 1 employed on the system where the trouble exists shall not be allowed to vote upon the questions in  
2 controversy.
- 3 b) In cases where the best interests of the Rail Conference would be jeopardized by the delay incident to  
4 the circulation of a referendum strike ballot, the general chairman, with the consent of the Rail  
5 Conference President, may vote the GCA by the most convenient means available in lieu of the  
6 circulation of a referendum to the membership.
- 7 c) If a majority of the membership casting a ballot on the railway or system or two-thirds (2/3) or more  
8 of the members of the GCA vote in favour of a strike, the general chairman, with the concurrence of  
9 the Rail Conference President, shall have authority to set a strike date and withdraw the members of  
10 the railway or system from service.
- 11 d) In the event it is decided to use the economic strength of the Rail Conference, the Rail Conference  
12 shall sustain the membership on the railway where the trouble exists. Should it be necessary, the  
13 Executive Board of the Rail Conference shall be empowered to levy an assessment on the active  
14 membership of the Rail Conference. Such assessment will not be effective beyond the next session of  
15 the Rail Conference Convention, at which time it will be continued, discontinued or revised.

## SECTION 17

## MEMBERS PLACED ON PAYROLL

16 When a strike occurs on any railway, the secretary-treasurer of each division on the railway or railways  
17 involved in the strike shall forward to the Rail Conference President a complete list of all members who  
18 are to be placed on the payroll. It shall then be the duty of the Rail Conference President to secure such  
19 help as may be necessary to enable him to pay promptly.

## SECTION 18

## AUTHORITY FOR DECLARING STRIKE OFF

20 On any railway where a strike is called or is in progress, the GCA on the railway involved, with the  
21 concurrence of the Rail Conference President, shall have absolute power to declare the strike off. Should  
22 the strike continue for ten (10) days or longer, the power to declare the strike off shall be vested in the  
23 GCA on the railway or system, acting in concurrence with the Executive Board of the Rail Conference.

## SECTION 19

## GCA CONVENED BY THE RAIL CONFERENCE PRESIDENT.

24 When the GCA, on any railway or system, is convened on the authority of, or by, the Rail Conference  
25 President, on matters of a general nature, the time and expenses of the committee shall be paid from the  
26 general fund of the Rail Conference.

## SECTION 20

## MEMBERS MUST NOT SIGN CONTRACTS UNLESS AUTHORIZED

27 A member or members, other than the duly designated representative of the Rail Conference, are  
28 prohibited from entering into any verbal or written agreements with any railway management involving  
29 rates of pay, rules or working conditions of Rail Conference members. Any member violating this  
30 provision shall, if found guilty after trial as per Article XIX of the IBT Constitution, be expelled from the  
31 Rail Conference.

## SECTION 21

## COMMUNICATIONS - ILLEGAL

32 When any member or members of a division (except chairman of the local committee) take up directly  
33 with the general chairman, verbally or written, any question where other members' interests are involved,  
34 or ask for a ruling upon any question, the general chairman must refuse to grant such requests or ruling  
35 until the proposition has been submitted to the division for their consideration. If carried by a majority of  
36 the members present, the secretary-treasurer will furnish the general chairman all the facts in the case,  
37 who will furnish the division with his ruling or interpretation, as the case might be.

**SECTION 22 MEMBER OR OFFICER MAY BE EXPELLED FROM THE GCA**

- 1 a) Any member of the GCA who, by act or word in the presence of any railway official, injures any matter  
2 under discussion by the committee or executive committee, which has for its purpose the enforcement  
3 of the GCA Rules of the Rail Conference, shall have written charges preferred against him in the GCA  
4 or executive committee by the general chairman. If, after he has been served with written specific  
5 charges and given a reasonable and fair hearing by the body before which such charges have been  
6 preferred, a majority of the GCA or executive committee voting by ballot so decides (general chairman  
7 to have the deciding vote in case of a tie), he shall be deprived of service on the same. The general  
8 chairman shall then notify the president of the division that the deposed member represented, and the  
9 president of the division may fill such vacancy by appointment promptly. If necessary, the general  
10 chairman is authorized to fill the vacancy by interim appointment from the membership of the division  
11 to which the deposed member belongs; and said appointee will serve until relieved by a delegate  
12 appointed by the president or elected by the division as per Section 20 – TCRC Division Rules.
- 13 b) Any officer may be removed from office by a majority vote of the members of the executive  
14 committee of the GCA for violation of any of the laws or rules of the Rail Conference committed in his  
15 official capacity as a member of the GCA, if found guilty after having been served with written specific  
16 charges, given reasonable time to prepare a defence and afforded a full and fair hearing under Article  
17 XIX, Section 3 – IBT Constitution.
- 18 c) Any officer or member proven guilty under the above paragraph will be deprived from again holding  
19 office in the GCA for a period of not less than three (3) years.

**SECTION 23 GCA MAY MAKE ITS OWN RULES**

20 The GCA shall make such rules or regulations as are deemed necessary for the proper adjustment of  
21 differences on their respective systems. Such laws and regulations, however, must not conflict with the  
22 laws of the International Brotherhood of Teamsters, Teamsters Canada, the Rail Conference or applicable  
23 civil law.

**SECTION 24 GCA DECISIONS STAND AS LAW**

- 24 a) Any action taken by a general chairman or GCA shall stand as law for all members and divisions in the  
25 territory over which the general chairman or GCA has jurisdiction, until repealed by the general  
26 committee or in accordance with the provisions for appeals in Section 25 – TCRC GCA Rules. A copy of  
27 all rulings shall be furnished to the vice-chairman, secretary-treasurer GCA, and to the secretary-  
28 treasurer of divisions whose membership is affected.
- 29 b) A division, an active member or a group of members may appeal from a decision of the general  
30 chairman made between sessions of the GCA to the general committee, provided such appeal is filed  
31 with the general chairman thirty (30) days prior to the meeting of the general committee. Copy of such  
32 appeal to be furnished the division or divisions affected.

**SECTION 25 APPEAL MAY BE TAKEN**

- 33 a) Any member or division in good standing may take an appeal to the active membership from a  
34 decision of a general chairman or GCA. Such appeal must be made prior to the expiration of sixty  
35 (60) days from the date of the said decision and must be voted on by the active membership on the  
36 territory under the jurisdiction of the GCA involved.
- 37 b) To inaugurate an appeal, the appellant must first draw up a statement of facts addressed to the active  
38 membership. This statement, together with a sample ballot, shall be submitted within said sixty (60)  
39 day period to the general chairman for his examination and the opportunity of preparing a statement  
40 defending the committee's decision. The appellant's statement of facts, the ballot in approved form

- 1 and the general chairman's statement in reply shall be returned without delay to the appellant. The  
 2 appellant may add a rebuttal to the statement of the general chairman if he so chooses. The appellant  
 3 shall, as soon as possible upon the return of the appeal from the general chairman, proceed with the  
 4 printing of such appeal. The ballot shall set out the decision from which the appeal is taken, without  
 5 any argumentation upon the part of the appellant or the general chairman. A copy of the printer's  
 6 proof shall be forwarded to the general chairman for his approval. The general chairman shall  
 7 immediately examine his statement and the ballot appearing in the printer's proof and, when satisfied  
 8 as to their accuracy, shall return such appeal to the appellant for final printing, giving notice as to the  
 9 quantity required. Each active member of each division under the jurisdiction of the GCA involved  
 10 shall receive a ballot.
- 11 c) (i) The division shall, within thirty (30) days after receipt of the ballots, take a referendum vote of its  
 12 active membership and advise the secretary-treasurer of the GCA of the result. Divisions meeting but  
 13 once a month shall call a special meeting for the purpose of counting and tabulating the votes when  
 14 necessary in order to carry out the thirty (30) day-limitation.
- 15 (ii) All ballots, including those improperly signed or for any other reason declared illegal, shall be  
 16 forwarded to the secretary-treasurer of the GCA, together with a copy of the division tellers' report.  
 17 The report shall show the number of votes cast by the active membership for and against the issue  
 18 constituting the appeal and the number of ballots rejected as illegal. Every ballot declared illegal shall  
 19 have the same written across the face thereof. The division must retain a duplicate copy of this report  
 20 and a record made in the minutes of the meeting.
- 21 d) Upon receipt of the ballots and the reports from all the divisions, the secretary-treasurer of the GCA  
 22 shall prepare a report showing the results of the balloting and forward the report, together with all the  
 23 ballots, to the general chairman. Sufficient copies of the report from the secretary-treasurer of the  
 24 general committee shall be prepared by the general chairman and forwarded to all the divisions in the  
 25 territory involved. Such report shall show, separately, the number of votes cast for or against the  
 26 appeal by the active membership of each division and the number of ballots ruled illegal. The result  
 27 of a majority of the legal ballots shall be the decision of the active membership, and such decision  
 28 shall be final and binding. The GCA shall be governed by the results of the referendum.
- 29 e) A time limit of one hundred twenty (120) days from the date of receipt of the appeal by the general  
 30 chairman is hereby established, within which the requirements of this section must be completed.  
 31 The time limit of one hundred twenty (120) days, as set forth herein, may be extended by mutual  
 32 agreement between the parties affected.

**SECTION 26****APPEAL TO THE RAIL CONFERENCE PRESIDENT**

- 33 No appeal from a decision of the GCA on a settlement will be entertained by the Rail Conference  
 34 President, unless there was a violation of the law of the Rail Conference by such GCA.

**SECTION 27****GCA - HOW PAID**

- 35 GCAs shall have power to fix the rate of pay for chairman and members serving on the committee, time  
 36 allowed going to and from place of meeting to be computed by the GCA.

**SECTION 28****EXPENSE OF COMMITTEE**

- 37 a) The expenses of members of a GCA when convened for any purpose, together with pay for time they  
 38 lost in such service, shall be raised by an assessment on all active members of the Rail Conference  
 39 employed on the system represented (except as provided in Section 35 – TCRC Division Rules); and  
 40 the secretary-treasurer of the GCA shall have power when so ordered by the committee to levy such  
 41 an assessment for the purpose of creating a fund to pay the members of the committee immediately  
 42 after such session is over. All such assessments shall be levied by majority affirmative vote of the  
 43 members of the GCA, or by majority affirmative vote of the members of the GCA casting a mail ballot

1 between sessions, and shall be effective only until the next session of the GCA, at which time it will be  
2 continued, discontinued or revised.

3 b) The salary of the general chairman and the rate of pay and expenses paid to the members of the  
4 general committee and legitimate expenses of the general committee shall be raised by an assessment  
5 on all active members employed on the system represented. All such assessments shall be levied by  
6 majority affirmative vote of the members of the GCA present at a session of the GCA, or by majority  
7 affirmative vote of the members of the GCA casting a mail ballot between sessions, and shall be  
8 effective only until the next session of the GCA, at which time it will be continued, discontinued or  
9 revised. All members of the GCA will be required to pay GCA assessments in the amount determined  
10 by the GCA, which shall be collected monthly and forwarded to the secretary-treasurer of the general  
11 committee, who will pay the chairman's salary semi-monthly and all delegates for their services. Any  
12 surplus remaining in the treasury shall be applied to the payment of the legitimate expenses of the  
13 general committee.

14 Where a vice-chairman assumes the duties of the chairman on account of the absence of the  
15 chairman, his salary shall not be more while he is occupying that position than the salary of the  
16 general chairman.

## SECTION 29

## GCA AUTHORITY AND NEW BUSINESS

17 a) No new business will be entertained by a GCA unless records are sent showing that the division has  
18 acted upon the merits of the question. A copy of the resolution sent to the GCA shall be sent to other  
19 divisions interested upon receipt of same by the general chairman.

20 b) (i) The GCA shall have full power to settle all questions of seniority and rights to runs and jurisdiction  
21 of territory that are presented to it; and its decision shall be final unless, on an appeal to the  
22 membership, its decision is repealed by a majority vote.

23 (ii) Where there are only two (2) divisions on a system, they may appeal to the Rail Conference  
24 President, whose decision shall be final, subject to appeal under applicable provisions of the IBT  
25 Constitution.

26 c) To consolidate or divide the seniority rosters of members on one (1) or more seniority districts on a  
27 system, a majority vote of the active members holding seniority and casting a ballot on each seniority  
28 district affected must be obtained.

29 d) When a question of jurisdiction of territory or seniority arises between the members themselves or two  
30 (2) or more divisions that cannot be amicably adjusted by such divisions, the question shall, with all  
31 the facts in the premises, be referred to the GCA, which shall rule on the matter; and such ruling shall  
32 stand as law, subject to appeal as per Section 25 – TCRC GCA Rules.

## SECTION 30

## AUTHORITY OF RAIL CONFERENCE PRESIDENT IN MERGERS, ETC. WITH PROTECTIVE AGREEMENTS

33 Note: *The term "Mergers, etc.," as referred to in subtitle and as hereinafter expressed in this section,*  
34 *means - mergers, consolidations, coordinations, control, absorptions, diversions of traffic, purchases or*  
35 *any other action whereby separate facilities or operations of railways are going to be unified.*

36 1. Mergers, etc.

37 When the Rail Conference President has sufficient information that a merger, consolidation, coordination,  
38 control, absorption, diversion of traffic, purchase or any other action whereby separate facilities or  
39 operations of railways are going to be unified, he shall immediately assign an officer for the purpose of  
40 directing the committees in the handling to the best interests of the members involved.

**1 A. Contracts**

- 2 (i) There shall be a revision of the existing agreements on the properties involved which will have  
3 for its purpose the consolidation of contracts covering the merged, etc. property.
- 4 (ii) The assigned officer, in conjunction with the interested general chairmen, shall represent all of  
5 the committees in negotiations with the railway and/or railways.
- 6 (iii) Contracts shall be ratified by a majority vote of the active members casting a ballot.

**7 B. General Committees**

- 8 (i) The committees involved on the merged systems may be consolidated, if necessary, to meet the  
9 representational requirements of the membership.
- 10 (ii) The officer assigned shall submit his recommendations to the Rail Conference President. If the  
11 recommendation is to merge the involved committees, the Rail Conference President shall  
12 forward said recommendation with all facts in support to the involved general committees. The  
13 affected general committee(s) shall refer the question to the membership under their jurisdiction  
14 by instructing each affected division to prepare a paper ballot to be delivered within sixty (60)  
15 days to each member of the division, by government mail, directed to his/her last known  
16 address. The ballot, with a large envelope, approximately 4 x 9 1/2 inches, which must contain  
17 space for the member's name and address, must have first-class postage affixed thereto and  
18 must contain the division number and address for returning the ballot. The ballot and return  
19 envelope must also be accompanied with the written recommendation of the Rail Conference  
20 President, the written recommendation of the affected general chairmen, and written instructions  
21 showing purpose of the ballot, time, date and place for counting the ballots. The ballot shall also  
22 contain a signature and date line, which must be signed and dated by the member. The return  
23 envelope containing the ballot must be returned and postmarked within fifteen (15) days from  
24 the postmarked date on the envelope sent to the member. The ballots shall be counted by each  
25 division at the first regular division meeting following the date for return of the ballots. Each  
26 division secretary-treasurer will notify the general chairman of the results from the ballots  
27 received within ten (10) days. The affected general chairmen will forward this information to the  
28 Rail Conference President and the other affected general chairmen, within thirty (30) days from  
29 date received from last division reporting.

30 If the decision of the majority is to merge the committees in question, the Rail Conference President shall  
31 notify the affected general committees of the decision and instruct the merged committees to meet  
32 within ninety (90) days for the purpose of electing new officers, as provided in Section 9 – TCRC GCA  
33 Rules, and conducting any business or grievance that may properly come before the body.

34 The new date to meet regularly shall be decided as per Section 8 – TCRC GCA Rules. If it is the decision  
35 of the majority not to merge their GCAs, their individual GCAs shall continue as heretofore.

**36 C. Divisions**

- 37 (i) Representation

38 The general committee or general chairman and division or divisions affected shall, after the  
39 determination has been made relative to a merged seniority district or districts, make a study of  
40 the Rail Conference divisions in the affected area for the purpose of reducing, if possible, the  
41 number thereof to only those necessary to maintain an efficient operation.

42 The general committee or general chairman and divisions affected shall give consideration to the  
43 following points as a guideline for making such a determination:

- 44 (a) The number of members in a division.
- 45 (b) The location of the majority of the members' place of residence.

1 (c) The availability of the majority of the members to attend the division meeting place.

2 (d) The location of the operating division offices nearest the Rail Conference division.

3 Changes as referred to in the above paragraph shall not be put into effect by a general committee or  
4 general chairman until the proposed changes have been submitted to the Executive Board of the Rail  
5 Conference and approved.

6 (ii) Jurisdiction

7 Should it be, in the judgment of the general committee or general chairman and divisions  
8 affected, that more than one Rail Conference division is necessary on a seniority district, and said  
9 Rail Conference divisions have been set up, each division shall be given a definite territory by the  
10 general committee and/or the general chairman.

11 Elections to all offices of each division shall be held immediately after they have been set up,  
12 provided divisions have been merged or a new division has been created.

13 Should the GCA and divisions fail to reach an amicable agreement in the merging of and/or  
14 creating a new division within sixty (60) days, the matter shall be referred to the Rail Conference  
15 President who shall, upon receipt thereof, make an investigation of the facts within thirty (30)  
16 days, after which the Executive Board of the Rail Conference shall make a recommendation  
17 thereon, which shall be final and binding.

#### 18 **D. Seniority Districts**

19 (i) Should it be, in the judgment of the officers assigned and the general chairmen, in the best  
20 interest of the members affected as a result of a merger, etc., to consolidate and/or merge a  
21 seniority district or districts, the general chairman must meet and consult with the affected  
22 divisions' local chairmen to work out a merger of the old districts and seniority rosters into a new  
23 district and merged roster.

24 In the preparation of seniority rosters to cover the seniority districts on an equitable basis, the  
25 general chairman shall request the railway to furnish promptly to him all statistical information  
26 such as - but not limited to - number of trains, car miles, train miles, and yard engine hours  
27 and/or inbound car count for use in determining what method will be used in the merging of the  
28 seniority districts.

29 (ii) Should the general chairman and affected local chairmen fail to agree, the matter shall be  
30 referred to the Rail Conference President, who shall make an investigation within thirty (30) days,  
31 after which the Executive Board of the Rail Conference shall make a determination which shall be  
32 final and binding.

#### 33 **2. Employees Protection Requirements**

34 (i) When officers of the Rail Conference and GCAs are confronted with conditions affecting  
35 employees of railways involved in mergers, etc., all such employees shall be considered as being  
36 adversely affected; and the officers, in recognition of rearrangement of existing contracts,  
37 seniority equities and/or districts, general committees and divisions, shall first give full  
38 recognition to negotiating implementing agreements with the railway or railways to provide  
39 protection for all employees involved as follows:

40 (a) Guaranteed earnings and employment.

41 (b) Preservation of working agreements and conditions, except as may be revised or changed by  
42 the implementing agreements.

43 (c) Preservation of the rights and equities of all employees.

- 1 (d) Protection against any loss or expense incurred by the necessity of an employee  
2 moving/traveling from his established residence or terminal.
- 3 (e) Extension of the protection afforded all employees to cover full-time or part-time officers of  
4 the Rail Conference and its subordinate committees as well as members serving in temporary  
5 capacities.
- 6 (f) Separation allowances on the basis of seniority selections for those employees desiring to  
7 retire or separate their employment relationship subsequent to the effective date of the  
8 implementing agreement.
- 9 (ii) To insure appropriate handling of proposed mergers, etc., should any provision of the TCRC  
10 Bylaws conflict with application of this Section 30 (a), the provisions of this section shall  
11 prevail.

### **SECTION 31 OTHER MERGERS, ETC. ON TWO OR MORE RAILWAYS**

- 12 a) Whenever one (1) railway or any portion thereof is absorbed, traffic diverted, consolidated, merged,  
13 leased or coordinated by, to or with another railway or any portion thereof, and the officers of the Rail  
14 Conference and GCAs are unable to obtain protective agreements in their judgment satisfying the  
15 requirements of Section 30(a)(2) – TCRC GCA Rules, the employees on the railway or railways or any  
16 portion thereof affected thereby shall retain their right and seniority as heretofore on the railways  
17 absorbed, traffic diverted, consolidated, merged, leased or coordinated; but the runs shall be manned  
18 by the engineers of the respective roads in proportion, as near as practicable, to the car miles or train  
19 miles in road service and to the engine hours or inbound car count in yard service on the territory  
20 involved on each railway. Such count of car miles or train miles in road service and of engine hours or  
21 inbound car count in yard service shall be compiled for a period of not less than six (6) months nor  
22 more than one (1) year. Such test period shall be established at a time agreed upon, sufficiently prior  
23 to the effective date of any of the conditions specified in this section to give a fair and equitable  
24 representation of normal business handled by each district involved. The figures determined for each  
25 month of the aforementioned test period will be supplied to each division involved prior to the  
26 consummation of any agreement establishing a distribution of work.
- 27 b) When GCAs are unable to agree upon a settlement of questions arising covered by the foregoing, they  
28 will submit a joint statement setting forth their contentions regarding same, with all the facts in the  
29 premises, to the Rail Conference President who, after making a thorough investigation, is authorized,  
30 in conjunction with the Executive Board, to render a decision which shall be final and binding.
- 31 c) In the event that the GCAs do not meet within sixty (60) days from the time that the merger,  
32 coordination, etc., took place, the Rail Conference President will be empowered to order the GCA 's  
33 involved to meet at once and settle the question in dispute within thirty (30) days from the time the  
34 sixty (60)-day limit expires.
- 35 d) Any division involved, if dissatisfied with the decision of the officer assigned and general chairman  
36 with respect to the method to be used for dividing the work, may appeal to the Executive Board of the  
37 Rail Conference within sixty (60) days following the issuance of that decision. The Executive Board,  
38 after making an investigation of the controversy, shall render a decision which shall be final and  
39 binding.

### **SECTION 32 TRAFFIC MERGED, ETC., ON ONE RAILWAY**

- 40 a) Where any portion or portions of any railway is or are by any means absorbed, consolidated, merged,  
41 or coordinated with any other portion or portions of the same railway, or any portion of the same  
42 railway is abandoned, the employees affected thereby shall retain their seniority as heretofore on the  
43 portion or portions of the railway which has or have been so absorbed, consolidated, merged or  
44 coordinated, or from which traffic has been so diverted.

- 1 b) Whenever the events referred to in the foregoing subsection have occurred and it becomes necessary  
 2 to readjust the service, the runs shall be manned by the employees of the respective portions of the  
 3 road in proportion, as near as practicable, to the car miles or train miles in road service and to the  
 4 engine hours or inbound car count in yard service on the territory involved. Such count of car miles or  
 5 train miles in road service and of engine hours or inbound cars in yard service shall be compiled for a  
 6 period of not less than six (6) months nor more than one (1) year. Such test period shall be  
 7 established at a time agreed upon, sufficiently prior to the effective date of any of the conditions  
 8 specified in this section to give a fair and equitable representation of normal business handled by each  
 9 district involved. The figures determined for each month of the aforementioned test period will be  
 10 supplied to each division involved prior to the consummation of any agreement establishing a  
 11 distribution of work. The respective local committees of adjustment or local chairmen representing the  
 12 groups of the affected employees, unless a proper adjustment of the question has been reached, will  
 13 meet within thirty (30) days after the question of such rights to runs has been raised by either of such  
 14 local committees or local chairmen, unless further time, not exceeding an additional thirty (30) days, is  
 15 mutually agreed upon by such local committees, and will endeavour to agree upon which of the above  
 16 factors shall be used for measuring the service and upon the precise period of time within the  
 17 foregoing range. If such agreement cannot be reached, the question of which of the above-mentioned  
 18 alternative factors for such tests and the duration of the test period will be determined; said factors  
 19 shall be considered to afford a suitable basis for an equitable division of the normal business handled  
 20 by each territory between the employees involved.
- 21 c) Any division involved in the controversy, if dissatisfied with the decision of the general chairman on the  
 22 methods to be used for dividing the work, may appeal in accordance with the provisions of Section 25  
 23 – TCRC GCA Rules.

**SECTION 33****STATUTE OF LIMITATION**

- 24 A statute of limitation of sixty (60) days is hereby fixed within which to take up or appeal any case of  
 25 seniority, subject to appeal in accordance with Section 31– TCRC Division Rules.

**SECTION 34****REPRESENTATION, ESTABLISHMENT OF  
SENIORITY AND MILEAGE REGULATIONS**

- 26 a) The right to make and interpret contracts, rules, rates of pay and working conditions for members of  
 27 the Rail Conference shall be vested in the regularly constituted GCA of the Rail Conference.
- 28 b) GCAs shall be free to incorporate into the respective schedules such rules, as they may deem advisable  
 29 to govern the hiring of railway employees under their jurisdiction.
- 30 c) When the members of a division take a vote on regulation of mileage, only members possessing  
 31 seniority in the craft to be regulated will be permitted to vote.
- 32 ~~d) A five (5) day workweek agreement for yard engineers cannot be placed into effect on any railroad  
 33 until a referendum vote is taken and a majority of the active members voting approve.~~
- 34 ~~A separate seniority district (with or without a separate working agreement) may place a five (5) day  
 35 workweek agreement into effect for yard engineers on said seniority district only if approved by a  
 36 majority of active members casting a ballot in a referendum vote of members of said seniority district.  
 37 (Covered by appropriate memorandum of agreement covering and confined to the affected territory.)~~
- 38 ed) All GCAs shall make an effort to have included in their schedules a rule providing for the inclusion of  
 39 a training program for their members.
- 40 fe) No GCA shall place a compulsory retirement into effect on any railway or seniority district until a  
 41 referendum vote is taken and the majority of the members in active service casting a ballot on the  
 42 railway or seniority district approve.

**SECTION 35****DIVISION REFUSING TO SUSTAIN COMMITTEE**

1 Should a division on any system refuse to sustain an action of the GCA of the system or to enforce the  
 2 laws passed by the Rail Conference, it shall be the duty of the members of the committee from the  
 3 division to make a written statement of the fact concerning the refusal to the chairman of the GCA, who  
 4 shall submit the same to the Rail Conference President, for his review and recommendation to the  
 5 General Executive Board of the IBT, which is empowered to suspend the charter.

**SECTION 36****DIVISION REFUSING TO TAKE VOTE**

- 6 a) Should any division refuse or neglect to take a vote of its members when ordered to do so by the GCA,  
 7 it shall be considered a refusal to sustain the action of the GCA and shall be dealt with according to  
 8 Section 35 of the TCRC GCA Rules; and any member of the committee failing to report to the general  
 9 chairman of the committee as per Section 35 shall be dealt with by the GCA as per Section 22(b) –  
 10 TCRC GCA Rules.
- 11 b) Unless otherwise provided, all expenses incurred in taking a vote shall be borne by the division.

**SECTION 37****AGREEMENTS GOVERNING RATES OF  
PAY ON ALL KINDS OF POWER**

- 12 a) GCAs on all railway systems shall make a strenuous effort to make agreements governing the rates of  
 13 pay and to continue the service of a locomotive engineer and motorman in the operation of all railway  
 14 motive power.
- 15 b) It shall be the policy of the GCA to secure agreements with railways covering the rules, rates of pay  
 16 and working conditions of all operating crafts if, as and when the opportunity presents itself. The  
 17 individual GCA shall have full jurisdiction in the matter.

**SECTION 38****ATTEMPTING TO REDUCE STANDARD WAGES**

18 Any member who shall attempt, in any manner, to reduce the standard of pay for any Rail Conference  
 19 craft, or establish a maximum limit for the same, shall be guilty of violating his obligation, and upon  
 20 conviction of same after trial as per Article XIX – IBT Constitution, shall be expelled; this not to apply to  
 21 or interfere with legitimate action of GCAs or Rail Conference officers.

**SECTION 39****CONTRACT PROCEDURES**

- 22 a) (i) All wage settlements shall be ratified by a majority vote of the active members casting a ballot.
- 23 (ii) When a tentative agreement is negotiated or a proffer of arbitration made, the Rail Conference or  
 24 GCA proposing a system-wide agreement will furnish a copy of the proposal to all general chairmen  
 25 and local chairmen. The Rail Conference or GCA will also provide a synopsis of the proposal to each  
 26 affected member, along with an instruction sheet, a ballot and a return envelope.
- 27 (iii) Each affected member will return his/her ballot to the Secretary-Treasurer of the Rail Conference  
 28 when such ballot is issued by the Rail Conference, or the secretary-treasurer of the GCA when the  
 29 ballot is issued by the GCA, within the time period specified, who will tabulate the vote and certify the  
 30 results to the Rail Conference President and/or affected general chairman of the GCA. The GCA will  
 31 choose a board of tellers to help the secretary-treasurer of the GCA count the ballots.
- 32 b) Before any collective agreement or change of scheduled rules can be agreed to or signed on behalf of  
 33 members on a railway system, the proposed terms of settlement must first receive the approval of  
 34 each general committee and then the approval of the members by a majority referendum vote. Only  
 35 ballots returned shall be counted. A list of the number of "yes" and "no" votes for all individual  
 36 divisions must be forwarded to each division within seven (7) days of the counting of votes.

- 1 c) When a GCA and/or GCAs are engaged in joint contract negotiations with another union or unions, the  
2 Rail Conference national negotiating committee may authorize a joint ratification vote, the results of  
3 which shall be determined in accordance with the governing ratification process.

**SECTION 40****VIOLATION OF CONTRACT - RAILWAY OFFICIALS**

- 4 a) On any railway system where there is a contract between the railway company and the Rail  
5 Conference it will be considered a violation of said contract on the part of the railway company to open  
6 any differences except through the GCA in connection with craft positions.
- 7 b) All GCAs are prohibited from making agreements with the railway managements, the terms of which  
8 will conflict with any law or policy adopted by the Rail Conference, without first submitting same to the  
9 Rail Conference President who, in conjunction with the Executive Board, will determine proper  
10 disposition of the question at issue.

**SECTION 41****GRIEVANCES**

- 11 a) Should any member in the employ of a railway company have any grievance against the company,  
12 either from meeting with an accident of any kind while in the discharge of his duties, or from any other  
13 cause, he shall be required to make out a complete report of the same to his division in writing for the  
14 benefit of the committee of adjustment; and the division shall keep such report, together with a copy  
15 of the judgment of the company's officials concerning the grievance or accident. The local committee  
16 and general committee shall refuse to handle the case unless such a report is made out and signed by  
17 the member, providing the member be physically and mentally able to do so.
- 18 b) It shall be unlawful for any member to withdraw his case after having been acted on by the division  
19 and referred to the committee of adjustment.
- 20 c) (i) Each and every member of the Rail Conference grants to the duly authorized representative and/or  
21 representatives of the Conference (which includes divisions, local chairmen and/or local committees,  
22 general chairmen and/or general committees, vice president and/or the Rail Conference President) full  
23 and complete authority to present and handle each and every member's claims, complaints and  
24 grievances against the railway on which he is employed.
- 25 Said power and authority shall include the handling of such claims, complaints and grievances before  
26 any and all officials of the railway, and shall include the right to collect, settle, compromise, amend,  
27 withdraw, dismiss or in any other manner dispose of such claims, complaints and/or grievances, and  
28 shall also include the power and authority to submit such claims, complaints and grievances for  
29 determination to any person, court or board or other tribunal provided by law or otherwise as may be  
30 deemed necessary or advisable by such authorized representatives.
- 31 (ii) The foregoing will in no way conflict with other provisions of the IBT Constitution, Teamsters  
32 Canada Bylaws or the Rail Conference Bylaws which stipulate the procedure and sequence to be  
33 followed by divisions, local chairmen and/or local committees, general chairmen and/or general  
34 committees and other duly authorized representatives of the Rail Conference in handling claims and  
35 grievances of members.

**SECTION 42****MEMBERS - MISREPRESENTATION OF FACTS**

- 36 Should any member wilfully misrepresent facts in his statement for the guidance and information of the  
37 committee, he shall be considered as having violated his obligation, and on conviction at a regular trial as  
38 per Article XIX of the IBT Constitution, shall be suspended or expelled, as the division may determine.

**SECTION 43      ASSOCIATION OF GENERAL CHAIRMEN, RAIL CONFERENCE**

- 1 a) For the purpose of carrying on concerted movements relating to wages, working conditions or other  
2 important matters of general interest of its members, the Rail Conference authorizes the formation of a  
3 general chairmen's association in Canada.
- 4 b) The general chairman of each system or railway in their association may be a member of and attend  
5 meetings of the association and be entitled to a vote on all questions, provided the GCA on the railway  
6 he represents has authorized his membership in the association.
- 7 c) The association shall elect from its members a chairman, vice-chairman, secretary and two (2)  
8 members of the association, who shall constitute the executive committee.
- 9 d) The association shall have power to adopt for their government such bylaws as may be agreed upon,  
10 not in conflict with the IBT Constitution, Teamsters Canada Bylaws or Rail Conference Bylaws, subject  
11 to the approval of the Rail Conference President.
- 12 e) The association shall meet annually at such time and place as may be designated in the constitution  
13 and bylaws of the association.
- 14 f) Special meetings may be called by the Rail Conference President or the executive committee of the  
15 association when, in their judgment, the same is deemed advisable in the interests of the members, or  
16 by request of a majority of the members of the association.

This Section, entitled "Teamsters Canada Rail Conference Legislative Rules," has to do principally with the operation of the Governmental Affairs and Legislative Boards within the Rail Conference.

The objective is to provide Governmental Affairs, Provincial and Division Representatives with a more direct contact and access to resources. As a result, members will have constant representation and governmental affairs will be addressed as a common effort for the benefit of the membership across Canada.

To set general overall legislative policy for the protection of the locomotive engineer's craft, the protection of associated crafts which form part of the Rail Conference and to ensure the long-term health of the railway industry in Canada and North America.

THIS LIST IS PROVIDED AS A CONVENIENT AID FOR SEARCHING SECTIONS LOCATED IN THE RAIL CONFERENCE LEGISLATIVE RULES.		
SECTION		PAGES
1	Provincial Boards.....	58, 59
2	National Legislative Board.....	59, 60
3	Officers - Convening Board.....	60
4	Compensation for Service.....	60
5	Membership Assessment – How Levied.....	60, 61
6	Statement to Divisions.....	61
7	Assessments – How Paid.....	62
8	Interfering with Boards.....	62
9	Laws to be Compiled.....	62
10	New Legislation.....	62
11	Not Deemed Invalid.....	62
12	Joint Legislative Boards.....	62, 63
13	Canadian Labour Congress.....	63
<del>14</del>	<del>Association of Legislative Chairmen.....</del>	<del>63</del>
15	Legislative Boards – Adopt Bylaws.....	63

**Note:** For purpose of clarity, President of the Teamsters Canada Rail Conference will be referred to as "Rail Conference President" in this section. ~~The term "Vice President" will refer to "Vice President / Governmental Affairs".~~

## SECTION 1

## PROVINCIAL BOARDS

1 a) Whenever twenty-five percent (25%) of the active membership, or divisions representing twenty-five  
2 percent (25%) of the active membership, sign a petition proposing to formulate or merge a provincial  
3 legislative board, it will be mandatory upon the Rail Conference President to prepare a ballot with the  
4 question worded as presented in the petition, to be voted on by all holding active membership in the  
5 Rail Conference within the province. The ballot must be put out by the Rail Conference President  
6 within thirty (30) days of the receipt of the request.

7 It will be sent to secretary-treasurers of all divisions, and they will personally see that each person  
8 holding active membership has a copy by handing it to the member or by placing in the government  
9 mail with a return address thereon.

10 The ballot must be returned and the result tabulated and a copy of the decision mailed to the Rail  
11 Conference Office within ninety (90) days from the time the ballots are received from the Rail  
12 Conference Office. The results of the vote will be announced by the Rail Conference President to all  
13 divisions in the province, and a vote once taken cannot be acted upon again for four (4) years.

14 b) When such a vote shows a majority of the ballots cast by the active membership in the province  
15 favouring creation of a provincial legislative board, the legislative representative of the division  
16 sponsoring the petition or member sponsoring the petition will select a meeting place and set a date  
17 for convening the board. He shall also notify the other divisions in the province to have their  
18 legislative representative present.

19 c) The legislative representative from the division issuing the call or the member initiating the petition  
20 may act as chairman of the board until officers herein provided for are elected. Any board thus  
21 formed shall be deemed to be an active legislative board.

22 d) At every meeting of a legally organized provincial legislative board, each division in the province  
23 having twelve (12) or more assessable members may be represented by a delegate. However, by a  
24 vote of the division, any division in the province may be represented by proxy. Such vote will  
25 designate the seated delegate who is to exercise such proxy.

26 e) After a board is formed and convened by notice from the chairman through the secretary-treasurer,  
27 the secretary-treasurer of each division shall at once acknowledge receipt of same and send the  
28 number of assessable members of his division to the secretary-treasurer of the legislative board.

29 f) When the provincial legislative board has been convened, it will proceed to elect a chairman, first vice-  
30 chairman, second vice-chairman, secretary-treasurer, alternate secretary-treasurer, an executive  
31 committee (not to exceed five (5) members), and three (3) trustees (an audit committee not to  
32 include the chairman or secretary-treasurer). A provincial legislative representative may be elected  
33 when provided for in the bylaws of the board. The candidate receiving the highest number of votes  
34 shall be declared elected if eligible. Should an equal number of votes have been cast for two (2) or  
35 more members for any one (1) office, a second ballot, and if necessary a third ballot will be cast. If  
36 after the third ballot a tie still exists, the tie shall be decided by lot. Should any office become vacant,  
37 it will be the duty of the executive committee to fill such vacancy. The chairman and secretary-  
38 treasurer cannot be members of the audit committee.

39 NOTE: Eligibility to nominate, second and run for office will be determined by the applicable provisions  
40 of the IBT Constitution as set forth and modified in Paragraph 6.8 of the Merger Agreement.

41 g) Whenever twenty-five percent (25%) of the active membership, or divisions representing twenty-five  
42 percent (25%) of the active membership, sign a petition proposing to abolish a provincial legislative  
43 board, it will be mandatory upon the Rail Conference President to prepare a ballot with the question  
44 worded as presented in the petition, to be voted on by all holding active membership in the Rail  
45 Conference within the province. The ballot must be issued by the Rail Conference President within  
46 thirty (30) days of the receipt of the request.

- 1 In the event the vote is to dissolve the legislative board as per this section, the Rail Conference  
2 President will set an effective date for dissolution; and the assets of such board shall be distributed  
3 among the various divisions comprising said board in proportion to the number of assessable  
4 members.
- 5 h) All division legislative representatives' names will be entered in the Rail Conference Directory as  
6 legislative representative, (LR).
- 7 i) Each division shall, after electing its delegate to the provincial legislative board, immediately notify the  
8 secretary-treasurer of the provincial legislative board, giving the name and address of its delegate.  
9 The division secretary-treasurer shall request from the Rail Conference Office the form provided for  
10 the delegate to the provincial legislative board; this credential to show the number of assessable  
11 members he represents, and be signed by the president and the secretary-treasurer of the division.
- 12 j) Each provincial board shall be convened by the chairman, through the secretary-treasurer, at the  
13 capital of the province, or at any point most convenient, on the fourth Tuesday in January after the  
14 election of officers of divisions, or at such time as the chairman and secretary-treasurer or a majority  
15 of the members of the board deem it advisable.
- 16 k) The secretary-treasurer of each provincial board shall immediately after election of officers of the  
17 board forward to the chairman and secretary-treasurer of the National Board the name and address of  
18 the newly elected chairman and secretary-treasurer of the provincial board. The chairman and  
19 secretary-treasurer of each provincial board must be a duly elected delegate to such board.

## SECTION 2

## NATIONAL LEGISLATIVE BOARD

- 20 a) **(i)** There shall be a National Legislative Board of which the National Legislative Representative  
21 **Director** ~~elected by the convention~~ shall be the chairman. **The National Legislative Director**  
22 **shall be elected by a majority vote of the duly elected delegates at each quadrennial**  
23 **convention to serve for a term of four (4) years or until a successor is elected unless**  
24 **removed for cause.** The other members of the board will be composed of the chairmen of the  
25 various provincial boards.
- 26 **(ii) The National Legislative Director shall perform any and all duties as directed by the**  
27 **Principal Executive Officer and render such assistance as may be directed by the Principal**  
28 **Executive Officer. The National Legislative Director will be responsible for legislative**  
29 **matters / governmental affairs and shall be bonded in accordance with Article X, Section**  
30 **7 (a) of the IBT Constitution.**
- 31 b) The chairman shall, through the secretary-treasurer, convene the National Legislative Board triennially  
32 after he has received notice of the election of officers of the provincial boards, at such time as he  
33 deems most suitable for transaction of all business properly submitted to the board or at such other  
34 times as the chairman or a majority of the members of the board deem it advisable.
- 35 c) Questions of jurisdiction or conflict involving legislative boards and general committees which pertain  
36 to acts of Parliament and/or provincial legislatures; the regulations of such legislative assemblies; the  
37 abandonment of trackage right-of-ways; the health, safety and working environment of the  
38 membership shall be referred to the Rail Conference President for adjudication. Matters which may be  
39 in conflict with the affairs of a GCA will not be handled by a board unless requested in writing by the  
40 general chairman on the property or properties affected.
- 41 d) The National Board shall be deemed to have a quorum when the majority of the provincial boards are  
42 represented.
- 43 e) In the event the National Board is dissolved, the assets of such board shall be distributed  
44 proportionally to the divisions contributing to such funds.

- 1 f) The duties of the ~~Vice President / Governmental Affairs~~ **National Legislative Director**, the chairman  
2 of the provincial legislative board and the National Board shall be:
- 3 (i) to protect and advance the interests of the members of the Rail Conference in handling of all  
4 matters relating to legislation and/or regulations made by the Parliament of Canada and/or the  
5 provincial legislatures and/or any regulatory body created by those legislative assemblies;
- 6 (ii) to work for more healthful, safer and sanitary conditions ~~on locomotives~~ **in the workplace**, in  
7 conjunction with the general committee;
- 8 (iii) to stimulate the political education of the members to understand their political rights and the  
9 use of the ballot;
- 10 (iv) to coordinate the activities of our membership in each province in order that organized working  
11 people may, insofar as possible, present a united front upon matters of local, provincial and  
12 national importance;
- 13 (v) to support legislation which will benefit and oppose legislation which will injure the people we  
14 represent and the industry in which we work.

### SECTION 3

### OFFICERS - CONVENING BOARD

- 15 a) The National Board shall elect a vice-chairman, secretary-treasurer, and alternate secretary-treasurer  
16 triennially, who must be members of the board. The ~~Vice President / Governmental Affairs~~ **National**  
17 **Legislative Director** shall cause to have published in the Rail Conference Directory the names and  
18 addresses of all provincial chairmen and secretary-treasurers.
- 19 b) The National Board, when convened, shall have authority to adopt such bylaws as will be of benefit in  
20 handling their duties, provided such bylaws are not in conflict with the Constitution of the  
21 International Brotherhood of Teamsters, Teamsters Canada and the Rail Conference Bylaws.
- 22 c) All correspondence submitted by divisions to provincial legislative boards must bear the signature of  
23 the secretary and/or legislative representative.

### SECTION 4

### COMPENSATION FOR SERVICE

- 24 a) **Compensation for the services of officers and members of the National Legislative Board**  
25 **shall be the responsibility of that Board.**
- 26 b) **The position of National Legislative Director will be a full time position with a salary of**  
27 **\$130,000 per year with such salary adjusted by using monetary allowances/increases or**  
28 **other applicable adjustments negotiated nationally for Rail Conference members.**
- 29 c) **Compensation for the services of all other officers and members of the National**  
30 **Legislative Board shall be fixed by that Board at their regular triennial session.**

31 ~~Compensation for the services of officers and members of legislative boards and legislative~~  
32 ~~representatives shall be fixed by the board at the regular triennial session.~~

### SECTION 5

### MEMBERSHIP ASSESSMENTS - HOW LEVIED

- 33 (a)(i) All expenses incurred by the National Board when convened for any purpose of legislation shall,  
34 except as otherwise agreed or provided, be raised by an equal assessment on all active members  
35 of the Rail Conference. The secretary-treasurer of each division shall, upon receipt of notice,  
36 forward to the secretary-treasurer of the National Legislative Board a list of the assessable  
37 members of their division; and the National Legislative secretary-treasurer, upon receipt of same,  
38 shall make a pro rata assessment, notifying the secretary-treasurer of each division the amount  
39 due from his division; same to be forwarded by the secretary-treasurer of each division within  
40 thirty (30) days of receipt of such notice of assessment.

- 1 (ii) All members in active service, including those holding official positions with the carrier and those  
2 employed exclusively by the Rail Conference, shall pay National Legislative Board dues as  
3 established by the National Legislative Board. These dues shall be remitted to the Rail  
4 Conference by the GCA secretary-treasurer along with other dues and assessments as provided  
5 by Section 27 - TCRC Bylaws and shall be separately allocated. The National Legislative Board  
6 shall prepare a budget for the use of these dues prior to the beginning of each fiscal year,  
7 subject to the approval of the Rail Conference Executive Board. These dues shall be used at the  
8 discretion of the National Legislative Board for the following:
- 9 (1) Actions with respect to any programs by the federal government or any national agency/railway  
10 associations;
- 11 (2) Rail safety committees;
- 12 (3) Lobbying efforts with respect to the federal government;
- 13 (4) Additional education and training.
- 14 All excess funds from these dues remaining at the end of the fiscal year shall be transferred to the  
15 general fund.
- 16 b) Except as otherwise agreed or provided, all expenses incurred by the provincial legislative board shall  
17 be raised by an equal assessment levied upon all active members of the Rail Conference holding  
18 membership in the province in which their division is located. The secretary-treasurer of the provincial  
19 legislative board shall notify the secretary-treasurer of each division in the province of the amount of  
20 assessment, who shall collect such assessment from all assessable members of his division on or  
21 before the 20th day of the following month after the date of notice, and shall remit same by the 20th  
22 day of the next succeeding month.
- 23 Where an agreement is in effect between the railway company and the Rail Conference, for union dues  
24 checkoff at source, the notice of an increase of assessment shall be given to the office of the general  
25 chairman for the property affected, for forwarding to the appropriate railway company officer. Such  
26 notice shall be acted upon immediately. The amount of the assessment payable by a division to the  
27 provincial legislative board will be calculated by the rate of assessment determined by the provincial  
28 legislative board and the number of members certified working by the union dues checkoff at source.
- 29 c) No delegate to any legislative board will be entitled to a seat unless the division to which he belongs is  
30 square on the books of the secretary-treasurer.
- 31 d) The secretary-treasurer of provincial board shall have the power, when so authorized by the chairman,  
32 to levy an assessment for the purpose of meeting the expenses of the board.
- 33 e) The secretary-treasurer of the National Board shall have the power, when so authorized by the  
34 chairman **and subject to approval of the TCRC Executive Board**, to levy an assessment for the  
35 purpose of meeting the expenses of the board.
- 36 f) The secretary-treasurers of legislative boards may secure a reduction in the premium on bonds in  
37 proportion to funds handled, as is provided for secretary-treasurer of division in Section 13 (e) ii –  
38 TCRC Division Rules.

## SECTION 6

## STATEMENT TO DIVISION

39 The secretary-treasurer of both the National and provincial legislative boards shall furnish each division  
40 with a copy of the minutes of each board meeting, together with a financial statement of year ending  
41 December 31. Provincial board secretary-treasurers shall also furnish the chairman of the National  
42 Legislative Board a copy of board minutes and annual financial statements.

**SECTION 7****ASSESSMENTS - HOW PAID**

1 Members shall pay legislative board assessments to their own division. Members running out of one  
 2 province into another will be required to pay their legislative assessments to the division where they hold  
 3 membership.

**SECTION 8****INTERFERING WITH BOARDS**

4 a) Any member refusing to sustain the official acts or instructions of any legislative board, or who  
 5 engages in any activity detrimental to any legislative board shall, when proven guilty after trial in  
 6 accordance with Article XIX IBT Constitution, be expelled.

7 **Note: This does not restrict the TCRC Executive Board, individually or in part, in the**  
 8 **exercise of their respective responsibilities as mandated in these TCRC Bylaws.**

9 b) In the event a division should refuse to sustain the official acts or instructions of a legislative board, or  
 10 should a division engage in any activity detrimental to any legislative board, the following procedure  
 11 shall govern:

12 (1) The secretary-treasurer of the board will advise the ~~Vice President / Governmental Affairs~~  
 13 **National Legislative Director** by written statement of such refusal and provide the division involved  
 14 a copy of the same.

15 (2) Within forty-five (45) days, a division so notified must submit to the National Legislative  
 16 **Representative Director** a written statement of the facts concerning their refusal.

17 (3) After reviewing the statements, the ~~Vice President / Governmental Affairs~~ **National Legislative**  
 18 **Director** will advise the Rail Conference President for his review and recommendation to the General  
 19 Executive Board of the IBT, which is empowered to suspend the charter of the offending division.

**SECTION 9****LAWS TO BE COMPILED**

20 The National Legislative Board shall collect and compile data relative to all the laws affecting the interests  
 21 of labour and furnish the same to the provincial legislative boards. All legislative boards will furnish the  
 22 Rail Conference Office, and all general chairmen affected, a copy of laws enacted affecting railway  
 23 labour.

**SECTION 10****NEW LEGISLATION**

24 Provincial legislative boards are instructed to urge the passage of a law which will make it a  
 25 misdemeanour, with penalty attached, for a railway company to permit, assign or hire anyone to operate  
 26 a locomotive who is not a **qualified** locomotive engineer.

**SECTION 11****NOT DEEMED INVALID / SAVING CLAUSE**

27 No proceeding of this board shall be deemed invalid by reason of any defect of form or any technical  
 28 irregularity.

**SECTION 12****JOINT LEGISLATIVE BOARDS**

29 a) Legislative boards may affiliate with or take the initiative to form labour legislative organizations,  
 30 subject to the approval of the chairman of the National Legislative Board. Legislative boards formed  
 31 in accordance with provisions of Section 1(a) may, by a majority vote of all members of the board,  
 32 elect a representative to act with representatives from other organizations in forming what might be  
 33 termed a joint legislative board (said organization to have equal representation). The purpose of a  
 34 joint legislative board shall be to protect the interests of labour. National or provincial board funds  
 35 may be used to aid such joint national or provincial organizations respectively.

- 1 b) Provincial legislative boards may merge upon receiving a favourable vote of the delegates to each of  
2 the provincial legislative boards proposing to merge.
- 3 c) A division within a province that does not have a provincial legislative board may affiliate with a  
4 provincial legislative board of an adjoining province. Where no adjoining provincial legislative board  
5 exists, the closest geographical provincial legislative board will be used. If more than one division  
6 desires to affiliate, a majority vote of the affected members will determine which provincial legislative  
7 board the divisions will be affiliated with. Upon receiving a majority vote of the delegates from the  
8 provincial legislative board to be affiliated with, the affiliation will take effect. The division legislative  
9 representative from the newly affiliated division will be a delegate as per Section 1 (d) – TCRC  
10 Legislative Board Rules.
- 11 d) If a division within a province that does not have a provincial legislative board seeks to affiliate and  
12 one (1) or more other divisions within that province have already affiliated with an adjoining provincial  
13 legislative board a majority vote of all affected members, members already affiliated and members  
14 seeking affiliation will determine which provincial legislative board the divisions will be affiliated with.  
15 Upon receiving a majority vote of the delegates from the provincial legislative board to be affiliated  
16 with, the affiliation will take effect.

**SECTION 13****CANADIAN LABOUR CONGRESS**

- 17 The membership, through Teamsters Canada will be part of the Canadian Labour Congress or any other  
18 recognized central labour body.

**SECTION 14****ASSOCIATION OF LEGISLATIVE CHAIRMEN**

- 19 ~~a) For the purpose of carrying on legislative matters, the Rail Conference authorizes the formation of a  
20 Legislative Board Chairmen's Association, which will include the United States and Canada.~~
- 21 ~~b) The legislative board chairman of each state/province may be a member of and attend meetings of the  
22 association and be entitled to a vote on all questions, providing the legislative board he represents has  
23 authorized his membership in the association.~~
- 24 ~~e) The Vice President / Governmental Affairs will be an honorary member of the association. He shall  
25 attend all meetings of the association unless excused by the Rail Conference President. The  
26 association shall elect from its members a chairman, vice-chairman and secretary-treasurer.~~
- 27 ~~d) The association shall have power to adopt for their government such bylaws as may be agreed upon  
28 not in conflict with the Constitution of the International Brotherhood of Teamsters, Teamsters Canada  
29 and the Rail Conference Bylaws, subject to the approval of the Rail Conference President.~~
- 30 ~~e) The association shall meet at such time and place as may be designated in the constitution and bylaws  
31 of the association. Special meetings may be called by the Rail Conference President.~~

**SECTION 15****LEGISLATIVE BOARDS - ADOPT BYLAWS**

- 32 The first order of business at the first meeting of a Provincial Legislative Board shall be the formulation  
33 and adoption of bylaws. Bylaws shall prescribe the duties of the officers of the board and provide the  
34 method of filling vacancies, such method not to be in conflict with applicable civil law; they shall prescribe  
35 for the board alone to have authority to levy assessments in accordance with Section 5(a) and (b) –  
36 TCRC Legislative Board Rules, the board alone to authorize expenditures of money derived from such  
37 assessments. The secretary-treasurer shall be bonded in accordance with Article X Section 7 (a) of the  
38 IBT Constitution. The secretary-treasurer shall be responsible to insure that the duties set forth in Article  
39 XXIII of the IBT Constitution are fulfilled with respect to the general committee consistent with these  
40 bylaws.