



UNITE HERE, LOCAL 40

BYLAWS

AMENDED November 2021

BYLAWS
of
UNITE HERE
Local 40
Vancouver, British Columbia

AMENDED November 2021

A PROUD HISTORY

- 1900 A.F. of L. charters Local 28 Hotel, Restaurant Employees. First in B.C.
- 1903 Local 676 Beverage Dispensers chartered.
- 1906 Local 676 represents workers in 32 unionized bars in Vancouver.
- 1917 Prohibition. Saloons/bars disappear. Local 676 becomes Soft Drink Dispensers Union. Local 28 pays dues for Local 676 to keep charter alive.
- 1919 Bars open for sale of “near bear” and major organizing drives re-establish Local 676.
- 1921 Club licenses issued and employment picks up in hospitality industry.
- 1925 Prohibition ends. Locals carry out further organizing drives to reinstate membership.
- 1936 Membership in B.C. and Alberta doubles.
- 1939 Local 835 New Westminster Beverage Dispensers and Culinary Workers Union chartered.
- 1976 Local 835 and 16 merge to form Local 40 Hotel, Restaurant & Culinary Employees & Bartenders Union.
- 2004 H.E.R.E.I.U. merged with UNITE to form UNITE HERE

Local 40 is affiliated to:

UNITE HERE International Union
A.F.L.- C.I.O
Canadian Labour Congress
B.C. Federation of Labour

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LOCAL 40 OFFICERS

President/Administrator

Vice-President

Financial Secretary-Treasurer

Three (3) Trustees

Thirteen (13) Regional Executive Board Members: seven members from the Lower Mainland, and one member each from the following geographic zones: Camp Membership or Service Contract Membership; North Vancouver Island; South Vancouver Island; Cariboo/Prince George; Okanagan/Kamloops, and one Member-at-Large.

The above elected Officers (with the exception of the Trustees), form the Executive Board of Local 40.

ARTICLE I

NAME AND OBJECT

Section 1. This organization shall be known as UNITE HERE, Local 40 Vancouver, British Columbia, and Vicinity affiliated with UNITE HERE International Union.

Section 2. The purpose of this organization shall be to organize all persons within its jurisdiction; to establish and maintain equitable wage scales and working conditions; to elevate moral, social and intellectual standing of its members; to guard their financial interests; to promote their general welfare and the Local's cardinal principles of truth, justice and morality; to secure employment for its members and to uphold the dignity of labour. The jurisdiction of UNITE HERE includes all persons in related employment within the hotel, motel, restaurant, food and beverage industries, airports, in-flight catering, convention centres, sports facilities, the racing, casino and gaming industries, textiles, clothing, apparel, laundries, dry cleaners, distribution centres, call centres, retail stores, and all other persons employed in any other industries which would be beneficial to and in the best interests of UNITE HERE.

Section 3.

The pronouns "they" and "them" are used in these bylaws to refer to the individuals involved in a gender-neutral manner.

ARTICLE II

MEMBERSHIP

Section 1. Membership of this organization shall consist of an unlimited number of workers in the hotel, motel, restaurant, food and beverage industries, airports, in-flight catering, convention centres, sports facilities, the racing, casino, and gaming industries, textiles, clothing, apparel, laundries, dry cleaners, distribution centre, call centres, retail stores, and all other persons employed in any other industries which would be beneficial to and in the best interests of UNITE HERE, who agree to abide by the bylaws of this Local and the Constitution of the UNITE HERE International Union, as presently in effect or as hereafter amended.

Section 2. Acquiring Membership. A person eligible for membership and working within the jurisdiction of this Local Union, making application for membership, shall become a member of this Local and the International Union upon receipt of the membership application and the dues and fees which may be required. Any member who desires to protest the membership of such person must do so within 30 days of receipt of the application for membership by filing a protest with the Financial Secretary-Treasurer of this Local Union. In the event of such protest, the Executive Board of this Local Union shall review the qualifications of

such person and shall determine if the membership is to be revoked. The member shall be given notice that a protest of their membership has been filed and given an opportunity to appear before the Executive Board. The decision of the Executive Board shall be considered the decision of the Local Union and shall be appealable in accordance with Article 3 of the International Constitution; provided further, however, that the decision of the General President shall not be further appealable.

Section 3. Passive Membership. Any person who is a manager, owner or proprietor or any person who is employed outside the jurisdiction of this Local Union and not employed in the jurisdiction of this Local Union may be accepted for or hold membership in this Local Union only as a passive member, provided such person maintains no affiliation with a proprietors' organization hostile to this Union.

- (a) Passive members shall not be entitled to voice or vote or to attend meetings of the Local Union. They shall be ineligible for election to any office in this Union or for any position as a delegate representing the Union.
- (b) Passive membership is hereby declared a privilege, revocable at will by the Executive Board of the Local Union or by the General President; such revocation of passive membership by the General President shall not be appealable.
- (c) Any member desiring to change their membership status from active to passive or passive to active must appear before the Executive Board of the Local and such change in status can only be granted upon the approval of the Executive Board.

ARTICLE III

MEETINGS

Section 1. Meeting Schedule. The regular membership meetings of this Local shall be held in Vancouver at 5:00 p.m. on the last Wednesday of January, April, July and October. The Executive Board may provide for additional meetings in other locations. The membership shall be appropriately notified of the meeting schedule.

All membership meetings of this Local shall be held in accordance with Roberts Rules of Order.

Section 2. Special Meetings. Special meetings may be called by the President-Administrator, by majority vote of the Executive Board or upon the written request of 200 members in good standing. In any case, all members shall be notified of

such meeting by the Financial Secretary-Treasurer. No business shall be transacted other than that for which the meeting is called.

Section 3. Quorum. Twenty-five members, including one qualified to preside, shall constitute a quorum for the transaction of all business.

Section 4. Members shall be expected to attend all meetings when possible and to take an active interest in the affairs of the Union.

ARTICLE IV

OFFICERS

Section 1. Officers of this Local Union shall be the President-Administrator, Vice-President, Financial Secretary-Treasurer and three Trustees. The President-Administrator and the Financial Secretary-Treasurer shall be the executive Officers of the Local Union. The first three named Officers and 13 Regional Executive Board members (seven members from the Lower Mainland, and one member each from the following geographic zones: Camp membership or Service contract membership, North Vancouver Island, South Vancouver Island, Cariboo/Prince George and Okanagan/Kamloops, and one Member-at-Large) shall constitute the Executive Board of the Local Union.

Section 2. All officers, agents, shop stewards, and other representatives or employees of this Local Union or of any trust in which the Local Union is interested, who handle funds or other property, shall be bonded for the faithful discharge of their duties in accordance with the requirements of applicable Federal and Provincial law and Article 21, Section 3 of the International Constitution. The premiums on said bonds shall be paid by the Local Union.

Section 3. Any officer or employee of this Local entitled to a vacation shall be required to take such vacation within two years after becoming entitled to same. If such officer or employee fails to take such vacation, they shall be deemed to have waived the right to same.

Section 4. Any Officer or Executive Board member absent from two meetings in a twelve month period, unless excused by majority vote of the Executive Board or because of illness, working schedule or other justifiable reason, shall forfeit their office.

Section 5. Regional Executive Board Members are not permitted to accept full-time employment with this Local Union unless they resign their position on the Executive Board of the Local Union.

ARTICLE V

NOMINATION AND ELECTION

Section 1. The election of officers shall be held in the month of September 2023, and every five years thereafter, among the members in good standing in this Local Union. No write-in votes shall be permitted. The election shall be conducted by secret ballot and the candidate receiving the highest number of votes for each office shall be declared elected.

Section 2. A reasonable opportunity shall be given to the members to nominate candidates for office. Nominations of officers shall be received in the month of August 2023, and every five years thereafter.

Section 3.

- (a) In order to be eligible to be nominated for office, a member must have been an active member of Local 40 in continuous good standing for a period of 12 calendar months immediately preceding nominations.
- (b) In order for any member to be eligible to be nominated for office in this Local, they must be present at the nominating meeting or have submitted a written statement to the Financial Secretary-Treasurer prior to the opening of nominations, indicating their willingness to accept the nomination for any office for which their name is proposed.
- (c) No member may be eligible to be nominated to any office in this Local Union unless they are employed or available for employment in the jurisdiction of this Local Union and, in the case of Regional Board Members, are employed or available for employment in the applicable geographic zone; or are an officer or employee of the Local Union or the International Union.
- (d) Trustees are not permitted to accept full time employment with this Local Union unless they resign their position as a Trustee of the Local Union. Retired members will be eligible to run for the position of Trustee only.

Section 4. The Financial Secretary-Treasurer, not less than 15 days prior to the date of nominations, shall mail to each member in good standing to their last known home address a notice of the offices to be filled and the time, date, place and manner of submitting nominations. The notice shall bear the signatures of the President- Administrator and the Financial Secretary-Treasurer.

Section 5. An Election Committee of five, the majority appointed by the President- Administrator and the minority appointed by the Financial Secretary-Treasurer, shall take charge of the election and provide safeguards to ensure a fair election. No candidate for office or any officer serving out their term of office

shall be eligible to serve on the Election Committee. The Election Committee shall determine the eligibility of all candidates and their decision shall be subject to appeal to the General President. The Election Committee shall also determine the eligibility of all members of the Local to vote in the election and shall make appropriate arrangements to permit members whose eligibility is in doubt to cast a challenged ballot.

- (a) All active members of this Local, who are in good standing as of the first day of August immediately preceding an election, are eligible to receive a ballot.
- (b) The election shall be conducted by in-person balloting in Vancouver, Richmond, Burnaby, and Surrey, and by mail ballot everywhere else. Members who work in Vancouver, Richmond, Burnaby, and Surrey who wish to vote by mail shall be provided a mail ballot upon request.
- (c) The Election Committee shall be responsible for having the ballots printed and mailed to all members eligible to receive mail ballots. Each ballot shall be numbered with the heading, UNITE HERE Local 40, Official Election Ballot." Below the heading shall be a perforation so that the top of the ballot, containing the number, can be torn off and kept by the Election Committee.

During the month of September 2023, and every five years thereafter, the Election Committee shall mail, at least 21 days prior to the date of the election, to each eligible member, an envelope marked "Local 40 Election Ballot." Said envelope shall contain a ballot, an official ballot envelope of Local 40 and a return envelope, which shall be addressed to "Election Committee, P.O. Box #____, Vancouver, British Columbia. The ballot envelope shall be marked "Election Ballot" and the return envelope shall be marked "Local 40 Ballot Return."

The Chairman of the Election Committee shall obtain a special post office box in the name of "Local 40 Election Ballots." The Election Committee shall obtain the return envelopes from the post office box, remove the ballot envelopes from the mailing envelopes and shall deposit the ballot envelopes in the ballot box. Ballot envelopes addressed to the Election Committee's post office box must be received no later than the election date in order to be counted in the election. On the date of the election, the ballots shall be removed from the ballot envelopes and counted.

Section 6. All candidates shall have the right to have an observer at the meetings of the Election Committee and at the counting of the ballots. All candidates may have an observer accompany the member(s) of the Election Committee who pick up the ballots from the post office box and return them to the ballot box. All observers must be active members of the union in good standing.

Section 7. The votes cast by members of this Local shall be counted and the results for each office shall be announced and published separately. The Financial Secretary-Treasurer shall preserve for one year the ballots and all other records pertaining to the election.

Section 8. The installation of all officers- elect shall take place within one month following the election. If any officer-elect fails to make an appearance at the installation they shall forfeit the office to which they were elected unless they have been excused by the Executive Board because of illness or other justifiable reason.

ARTICLE VI

VACANCIES

Section 1. Vacancies in any office shall be filled for the unexpired term by appointment of the President-Administrator, subject to the approval of the Executive Board.

Section 2. In the event of a vacancy in the office of President-Administrator, such vacancy shall be filled for the unexpired term by appointment of the Executive Board, subject to approval by the membership.

ARTICLE VII

RESIGNATIONS

Section 1. Officers, with the exception of bonded officers, shall have the privilege of resigning at any regular meeting, provided no charges are pending against them and their resignations are submitted in writing.

Section 2. A bonded officer shall present their resignation in writing at least one meeting before it is acted upon and, if the Board of Trustees reports that the financial accounts of the Local are in proper order and there are no charges pending, the resignation may be accepted.

ARTICLE VIII

DELEGATES

Section 1. Where permitted, delegates to all bodies with which the Local Union votes to affiliate shall be appointed by the President- Administrator, subject to approval of the Executive Board and ratification by the membership.

Section 2. Delegates to the International Convention may be nominated and elected at the same time as the regular nomination and election of officers is held if there is an International Convention scheduled during that term of office. In any event, delegates to the International Convention shall be elected not less than 45 days prior to the date of the Convention.

Section 3. The procedures and requirements, including the notice pertaining to the nomination and election of officers as set forth in these bylaws, shall (where necessary) apply equally to the nomination and election of delegates to the International Convention and all other bodies.

ARTICLE IX

DUTIES OF OFFICERS

Section 1. President-Administrator. The President-Administrator shall be an executive officer of the Local Union. They shall be a full-time salaried officer and shall perform the following duties.

- (a) They shall preside at all regular and special membership meetings and at all meetings of the Executive Board. They shall have the authority to call special meetings of the Executive Board. They shall take such action as they deem necessary to preserve order and decorum.
- (b) They shall appoint the majority of all committees. They shall be a member ex officio of all committees, except trial and election committees.
- (c) They shall co-sign all cheques for payment of money from Union funds. They shall sign all documents required by the Local and the International Union for the protection and welfare of the members.
- (d) They shall, by virtue of their office, be a delegate to the International Union Convention and a delegate to all other bodies with which the Local Union affiliates.
- (e) They shall be the official representative of the Local Union in all collective bargaining with employers for wages and working conditions. They shall serve as chairman of all negotiating committees. They may delegate their negotiating authority to a representative of the Local Union, who shall act under their direction and supervision.
- (f) They shall employ or terminate business agents and other employees needed by the Union, including but not limited to special and full-time organizers, clerical personnel, and professional and technical assistants or assistance. The remuneration of said employees shall be in accordance with Article IX, Section 5(b) of these bylaws.

- (g) They shall assign tasks and direct the organizational work of all staff members. They shall do their utmost to enlarge the membership of the Union.
- (h) They shall visit or cause to be visited under their direction and supervision all establishments under contract with this Local. They shall endeavor to maintain congenial relations between employers and members of the Union and to obtain employment for all job applicants.

Section 2. Vice President. The Vice President shall not be a full-time salaried officer but shall be paid the appropriate salary for the duties that may be consistent with their office. They shall aid and assist the President-Administrator in the discharge of their duties and in preserving order and decorum in the Local. They shall preside over all meetings in the absence of the President-Administrator and, for the time being, be invested with the same power as though they were President-Administrator. They shall perform such other duties as may be consistent with their office. In the absence of the President-Administrator or the Financial Secretary-Treasurer, they shall co-sign cheques and other documents. In the absence of the President-Administrator, the Financial Secretary-Treasurer and the Vice President shall jointly direct the activities of the business agents and organizers. They shall, by virtue of their office, be a delegate to the International Union Convention and a delegate to all other bodies with which the Local Union affiliates.

Section 3. Financial Secretary-Treasurer. The Financial Secretary-Treasurer shall be an executive officer of the Local Union. They shall be a full-time salaried officer and shall perform the following duties:

- (a) They shall keep or cause to be kept a complete and accurate set of books in such a manner that it will show all of the business transactions of the Union, including its income and expenditures and its assets and liabilities.
- (b) They shall make a financial report to the membership at each regular meeting, giving an official accounting of all monies collected and expended by the Union.
- (c) They shall, when feasible, keep regular office hours for the convenience of the members, as well as the employers, and perform such other duties as may be required of them.
- (d) They shall collect or cause to be collected all fines, dues and any other fees due the Union and shall give official receipt for all monies collected. They shall pay the routine operating expenses of the Union by cheque. They shall co-sign all cheques for disbursements of Union funds. It shall be their duty to make prompt deposits of all monies in a bank designated

by the Executive Board, except for an amount of petty cash to be determined by the Executive Board.

- (e) They shall have charge of and attend to all official correspondence of the Union, impress the seal thereon and keep on a file a copy of all such correspondence. They shall attend to all clerical work of the office unless otherwise provided for and shall, under the direction and supervision of the President-Administrator, take charge of all office personnel in order to ensure that they perform their duties. They shall counter-sign all working, travelling and withdrawal cards.
- (f) They shall keep or cause to be kept under their direction and supervision a list of names of all sick members and all members whose dues the Local remits and, on the first day of each month, draw a cheque for same, writing a receipt and posting to each member's account.
- (g) They shall compile or cause to be compiled under their direction and supervision the roster of the Local Union as required by Article XI, Section 13 of the International Constitution.
- (h) They shall compile or cause to be compiled under their direction and supervision monthly reports to the International Union as required by Article XI, Section 14 of the International Constitution.
- (i) In the absence of a presiding officer, they shall call meetings to order and preside until a temporary chairman is elected by the membership.
- (j) They shall keep a complete record of all committees and officers of the Local Union. They shall notify all committee members of their appointment. They shall take or cause to be taken a true and faithful record of the proceedings of the Local Union's meetings which shall be transcribed in the minute book provided for that purpose by the Local. They shall call the roll of all officers present at all meetings and record the attendance in the minute book.
- (k) In the absence of the President-Administrator, the Financial Secretary-Treasurer and the Vice President shall jointly direct the activities of the business agents and organizers.
- (l) They shall, by virtue of their office, be a delegate to the International Union Convention and a delegate to all other bodies with which the Local Union affiliates.
- (m) They shall appoint the minority of all committees.

Section 4. Trustees. The Trustees shall supervise the property of the Local and shall submit an itemized inventory thereof each fiscal year. They shall review the books of the Financial Secretary-Treasurer each month and verify the quarterly financial reports and annual audit required by Article XIV, Section 11 of the International Constitution. They shall certify that the books of all officers desiring to resign are properly balanced and that any of the Local's business which might have been entrusted to those officers has been properly completed and accepted by the Local before the resignation can be accepted. All books, papers, documents and money belonging to the Local Union which officers or members of the Local might have in their possession shall be made available to the Trustees for inspection at designated times.

Section 5. Executive Board. The Executive Board shall consist of the President-Administrator, Vice-President, Financial Secretary-Treasurer, 12 Regional Executive Board members, and one Member-at-Large. The Executive Board shall meet monthly, except in August and December of each year and a majority of the Executive Board shall constitute a quorum for the transaction of all business. The Executive Board shall perform the following duties:

- (a) Between regular meetings, the Executive Board shall be the governing body of the Union. It shall have complete authority between meetings of the Union as may be exercised by the Union under the International Constitution and these bylaws.

- (b) The President may incur and authorize the payment of the routine operating expenses of the Union. Routine operating expenses include expendable supplies, cell phones, minor equipment (individual computers and ancillary devices, fax machines, low-volume copiers, phone units, bullhorns, adding machines, desktop organizers, etc.), repair and maintenance of buildings and equipment, expense reimbursement per policy and travel within the US and Canada for normal union business, campaign materials, and legal and other professional fees. All other donations and expenditures require approval of the Executive Board or in the case of major financial commitments, the approval of both the Executive Board and the membership. Examples of expenditures requiring Executive Board approval are real estate transactions, new construction and major remodeling, computer systems, high-volume copiers, telephone systems, furniture, expense reimbursement policies, expense allowances, travel outside the US and Canada, travel within the US and Canada for special purposes, policies regarding the lending of employees to other organizations, and policies regarding the expenses of employees borrowed from other organizations. All real estate transactions, indebtedness in excess of \$500,000 in a single transaction or series of related transactions or purchases or sales of fixtures, furniture or equipment in excess of \$100,000 in a single transaction or series of related transactions shall also require the approval of the membership at a

regular or special meeting. No real property of the Local shall be transferred, conveyed, hypothecated or encumbered, unless the written consent of the International Union is first obtained.

- (c) All salaries, wages, compensation or expense allowances for officers, employees and delegates of the Union shall be recommended by the Executive Board and shall be subject to approval or ratification by majority vote of the membership present at a regular or special meeting.
- (d) All plans for the ownership or long-term lease of real estate or the use of any of the funds of the Local or its members for such purposes shall be first recommended by the Executive Board and submitted to the membership for final approval by a majority of those members present.

Whenever this Local Union, a trust fund, corporation or other entity created directly or indirectly from funds derived from the Local Union or its members enters into a plan for the ownership, sale, encumbrance, remodeling or long-term lease of real estate or uses any of its own or its members' funds for such purposes, the entire plan, including any trust agreements, articles of incorporation, corporate bylaws, contracts and leases, shall be subject to approval of the General President before becoming effective.

This Local Union or other such entity may not establish or participate in a plan to hold real estate which does not permit the International Union to audit fully the building funds in the same manner as the Local Union's assets are audited.

ARTICLE X

TRIALS AND APPEALS

Section 1. No member of this Local may be fined, suspended, expelled or otherwise disciplined, except for non-payment of dues, by this Local or any of its officers unless such member has been (a) served with written specific charges; (b) given a reasonable time to prepare their defense; and (c) afforded a full and fair hearing as set forth in this Article.

Section 2. A member or officer of this Local shall be subject to charges and to stand trial when charged with violating these bylaws or the International Constitution. The procedures and requirements of said charges, trials and appeals shall be as set forth in Article 16 of the International Constitution.

Section 3. The President-Administrator and Financial Secretary-Treasurer shall appoint a trial board of five from the membership to hear the charges and to render a decision. When the accused is found guilty, the penalty may be a fine,

suspension, expulsion, limitation to hold office or attend meetings, any combination of the foregoing or such other penalty as the determining authority may deem appropriate.

Section 4. The Financial Secretary-Treasurer shall notify the accused of the charges by sending them a copy thereof by registered mail or by delivering a copy of the charges to the accused personally. The accused shall be notified of the time, date and place of the trial and shall be allowed not less than ten days from the time of such notice for the preparation of a defense. Each side shall procure the attendance of its witnesses.

Section 5. The decision and penalty of the trial board shall be approved or modified at the next regular meeting of the Local before becoming effective.

ARTICLE XI

FINANCES

Section 1. Dues are payable the first day of each month. Dues rates as of November 2021 are listed in Exhibit A. If dues rates are changed, Exhibit A shall be updated to reflect the changed dues rates.

Section 2. The dues rates listed in Exhibit A can be increased upon recommendation of the President, approval of Executive Board, and approval by majority vote of the membership in a secret ballot.

Section 3. Any member being two calendar months in arrears for the payment of any dues, assessments or fines shall be considered automatically suspended. The provisions of Article X of these bylaws shall not apply to such suspension.

Section 4. Reinstatement to membership in this Local Union shall be made in accordance with the procedures set forth in Article 17, Section 7, and any other Articles of the International Constitution.

ARTICLE XII

AMENDMENTS

Section 1. All proposed amendments to these bylaws must be in writing, proposed by the Executive Board or signed by 200 members in good standing with the Local and read at two consecutive meetings and voted upon at the second meeting. After the first reading, the proposed amendment must be posted on the bulletin board until final action. A two-thirds majority vote of members present at the second meeting shall be required to adopt an amendment. No amendment shall become effective until approved by the General President.

Section 2. Rules of order or order of business may be amended by a two-thirds vote of the membership present.

ARTICLE XIII

INTERNATIONAL CONSTITUTION

Section 1. The terms and provisions of the International Constitution and any amendments thereto shall be binding upon this Local Union, its officers and members, as if fully set forth herein.

Section 2. Any provisions of these bylaws which are in conflict with the International Constitution or Provincial or Federal law shall be of no force or effect.

Health & Welfare /Pension Administrators Office
Local 40 Hospitality Industry Service Centre
Tel.: 604-294-4441
Toll Free: 1-800-661-2766

Headquarters:

#1812 - 1177 Hastings St W
Vancouver, B.C. V6E 2K3
Tel.: 604-291-8211 Fax 604-291-2676
Toll Free: 1-800-663-1728
www.uniteherelocal40.org

MOVING?

Please let your Local Union know by filling in the change of address form below:

CHANGE OF ADDRESS: THE FOLLOWING IS MY NEW ADDRESS:

Name: _____

Address: _____

Employer: _____

Phone: _____

EXHIBIT A

FINANCES

Section 1. Initiation Fees.

Licensed Premises Employees \$68.00
Camp Workers \$350.00
All Others \$33.00

Section 2. Monthly dues.

a) Camp Workers

All new Camp Employees hired on or after November 1, 2014, or for existing Camp Workers hired into a new job site, shall pay monthly dues based on two (2%) percent of their monthly gross earnings plus the cost of current per capita.

b) All others

All Employees Employed 80 or more hours per month – 2 x hourly rate plus \$16.00
All Employees Employed less than 80 hours per month \$32.65.

All dues amounts above are subject to change.