

# VOTE NO ----CAST YOUR BALLOT ----VOTE NO

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January 2, 2012

Division 76 Members,

Recently you may have received a ballot or have seen a letter posted from the President informing the members that he has received the required 25 percent of votes from Divisions on his initiative to directly change the TCRC Bylaws. The letter further states that shortly, the members will be receiving a ballot to vote on allowing the President to directly make changes to the Bylaws subject to membership approval.

We feel it's necessary to clarify what this vote and letter really means as there has been some confusion regarding the letter and the contents of it. Firstly, while the President has indicated that 25 percent has been achieved, nothing has been forwarded to our Division indicating how that number was arrived at. We understand several Divisions have inquired however their questions have been dismissed.

It is important to keep in mind that the bylaws are not a document that affects your day to day working conditions. They define how our Union works and set out the roles and responsibilities that every elected Officer at every level of the TCRC must follow. These bylaws, like the constitution of Canada, are not a document that should be changed on a constantly ongoing basis simply because someone wishes to change or increase their own authority.

The question we are being asked with this initiative has nothing to do with whether we wish to have an electronic voting process or one man-one vote. There already exists in the IBT constitution provisions that allow for electronic voting as well the requirement that any TCRC Bylaw Section 4 Initiative, by definition, must be voted on by all those holding active membership.

The real question we are being asked with this ballot is whether to allow the President the authority to propose changes to our Bylaws at any time that he or she sees fit.

Currently, changes or alterations to the Bylaws can only be made at a Delegate Convention or as an Initiative as per Section 4 of the bylaws. Changes made at a convention allow every Division of the TCRC to participate in the debate and make an informed vote based on what all of the delegates opinions on any proposed change. An Initiative is a proposal, by the active membership, not the President, to change the TCRC bylaws between conventions.

This initiative as presented would give the President the authority to propose changes to our Bylaws without having to wait until the next convention of Delegates and also propose changes without having the mandated support of the active membership necessary to commence an Initiative.

As a brief history, this issue stemmed from an interpretation of the bylaws by our President. President Beatty, in a letter dated February 17, 2011, found that "the President has the authority, between Conventions, to forward any "question" to the active membership (Section 25(b)) regarding his/her recommended changes to the TCRC Bylaws." The TCRC Executive passed a motion at a meeting calling for a retraction and reconsideration of the interpretation as the President was not vested with such authority or, as an alternative, seek a resolution and interpretation from Teamsters Canada.

President Beatty has advanced an Initiative that would effectively create a bylaw that would circumvent the Executive Board's decision, give him the sole authority to propose changes to the bylaws between

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conventions without having the requisite active membership support and also create a change to the bylaws that would give him the authority he desired and outlined in his interpretation of February 17, 2011.

Effectively, this Initiative would allow any President, even one not holding active membership, the ability to propose changes to the bylaws immediately after the delegates have approved a properly presented and argued resolution at the Rail Conference Convention. To clarify, any change passed at the convention, by a majority vote of the delegates present and in conflict with the President's interests, could immediately be placed before the entire membership to eliminate the successfully passed motion. The convention would effectively become redundant and the delegate's vote for their division would have no effect on making meaningful changes to the Bylaws.

It has been a proven past practise that the Delegates are better advised and informed on making decisions that affect our Bylaws. The vote they cast represents each Division rather than a small majority of members that vote as indicated on past mail out ballots.

Regardless of our position concerning the merits of the question, the ballot in itself is in conflict with the applicable Bylaw. Section 4 describes the process of preparing a ballot in that the question must be worded as presented in the petition. Clearly, the resolution package sent to the Divisions is entirely different than the ballot that was sent to the active membership. The question has further been expanded by the President to include the formation of a committee all of which the average active member is not privy to and not included in the question.

Based on the above, we feel that the initiative being proposed has not been advanced properly, is not necessary and grants excessive power into the hands of one person who would ultimately become the only member of our Union with the power to propose changes to our bylaws, at any time, without the checks and balancing provided for by our existing bylaws.

As always it is of the utmost importance to cast your ballot. In our opinion, the change is being presented in this manner to rely upon a low percentage of employees voting to advance an agenda that may not be in the best interests of you, the member.

We urge you to **VOTE NO** on the ballot that would allow the President to make independent changes to the TCRC Bylaws.

Thank you for your continued support,

### ***Division 76 Executive***

- ***Locomotive Engineers***
- ***Conductors Trainmen***
- ***Yardmen***