

SECOND QUADRENNIAL CONVENTION
EDMONTON, ALBERTA - SEPTEMBER 21-23, 2010

TEAMSTERS CANADA RAIL CONFERENCE



TRANSCRIPT
VOLUME 2

HELD AT:

Crowne Plaza Chateau Lacombe
10111 Bellamy Hill
Edmonton, AB

September 22, 2010

1 the name of Jesus Christ forever. Amen.

2 PRESIDENT SHEWCHUK: Thank you,
3 John.

4 I would ask you to remain standing
5 and we will just have a moment of silence for the
6 Brothers and Sisters that have been killed in the
7 workplace in the past.

8 --- Moment of silence

9 PRESIDENT SHEWCHUK: Thank you
10 very much. Please be seated.

11 As you remember, yesterday we had
12 an electronic glitch with the Smart Cards in the
13 voting machines. The renovation and the parts
14 that were flown in yesterday have been taken care
15 of. So we now have the Smart Cards available.
16 The Arrangements Committee is going to pass them
17 out this morning.

18 So before we take attendance vote
19 or have any motions or anything like that, we will
20 pass those cards out, if the Arrangements want to
21 do that now.

22 Oh, you have them all; sorry.
23 Nobody said that had been done. So that's done.

24 The one thing before we get into
25 that, I wanted to have Brother Dave Ditzel from

1 the BLET -- he is leaving us this morning. He has
2 been assisting us throughout the convention, and
3 he is going back to the United States now.

4 He just wanted to take two minutes
5 of your time and say a few words before he
6 departed.

7 I will ask Brother Dave to come to
8 the podium.

9 BROTHER DITZEL: Good morning,
10 Brothers and Sisters, and I would also say
11 friends. I use that word advisedly. I count
12 among you there are many dear friends in this room
13 that I've met over the years, a career that now
14 spans approaching 30 years.

15 During that time I've been to
16 Canada a number of times. Whether it was in the
17 Maritimes down east, the prairies or out on the
18 west coast, it's always been a very pleasing and
19 wonderful experience.

20 I am going to say this to you: In
21 a world that is so filled with strife and
22 discontent, to come to a country where the people
23 are so gracious, friendly and civil, it's an
24 exception in this world today.

25 When I arrived here, it was a bit

1 gloomy. We all experienced that. But I stepped
2 out this morning and the sun was shining. And I
3 thought there is really a metaphor here and really
4 that is, if you would think of it in this way, the
5 sun is really shining on the TCRC this week.

6 You have done a really marvellous
7 job since you accepted and became masters of your
8 own fate here in Canada. It's really gratifying
9 to me to see the progress that has been made here.

10 I was at the convention in 2004 in
11 Ottawa. This is really a superb event. You are
12 to be congratulated. You are doing a superb job
13 here. I wish we could have the same membership
14 gains in the States that you have enjoyed here.

15 One other thing I would like to
16 have you consider. I'm now ending my union career
17 shortly. Brother Dan told me that of the Delegate
18 body there are only 45 that have returned from the
19 convention in Ottawa. That means that there are a
20 number of new people here.

21 May I say this to you. This is a
22 particularly pleasing sign to me for someone that
23 is ending his union career to see these young
24 people that are entering the union movement.

25 One of the things when you begin

1 to look more back than forward, as I'm doing over
2 almost 30 years now, you think well, my goodness,
3 what will happen. What will be the fate of the
4 union, an entity that you cared so much about all
5 these years?

6 Really, I tell you this and take
7 pleasure and some reassurance in this: that it is
8 greatly pleasing to me to see the young people
9 that are entering the union movement here.

10 Really, this is why we are all
11 here, for the betterment of our fellow workers. I
12 think that your union will be in good hands for
13 many years to come.

14 Now as I take my leave, I am not
15 going to say good-bye. I will use that beautiful
16 French expression, au revoir, until we meet again.

17 God bless you all. Thank you.

18 --- Applause

19 PRESIDENT SHEWCHUK: Thank you,
20 Brother Dave.

21 Just a couple of things before we
22 do attendance call.

23 I just want to make the point that
24 the transcripts from yesterday will be available
25 around 10 o'clock, 10:30. There are still two

1 boxes that have to be printed this morning. So
2 they will be available for everybody probably at
3 lunch time, or shortly before lunch, so that you
4 can have yesterday's --

5 Sorry, I thought there was a
6 change.

7 Anyway, they will be passed out
8 and they will be available for you to review.

9 The other point being is that the
10 court stenographer is having a little difficulty
11 in regards to identifying you when you are at the
12 microphone.

13 So when you stand at the
14 microphone, please say your name and your division
15 and your craft clearly so that it can be recorded
16 properly into the transcripts. I would appreciate
17 that.

18 --- Pause

19 PRESIDENT SHEWCHUK: The screens
20 up here aren't working?

21 And I'm talking to the techs back
22 here.

23 --- Pause

24 PRESIDENT SHEWCHUK: While they
25 work on that, Brother Mark...?

1 DELEGATE HAMEL: Mark Hamel,
2 Division 319 (inaudible)

3 PRESIDENT SHEWCHUK: Okay, the
4 microphones just got turned on. Do you want to
5 repeat your name, please.

6 DELEGATE HAMEL: Mark Hamel,
7 Division 319, Chapleau, Ontario, Locomotive
8 Engineers.

9 Is there an agenda for today? I
10 don't seem to have an agenda.

11 PRESIDENT SHEWCHUK: The agenda
12 should be in your Delegate's handbook, and the
13 agenda is to carry on with what we had initiated
14 yesterday afternoon. I believe it was item 4, and
15 that is the Report of the Bylaws Committee.

16 So we will continue with that
17 until we get through all of the Bylaws. That is
18 the agenda for today.

19 DELEGATE HAMEL: Okay, good.
20 That's good enough. I just found yesterday's
21 agenda but not today's.

22 PRESIDENT SHEWCHUK: It's on the
23 back, Mark.

24 DELEGATE HAMEL: Thank you.

25 PRESIDENT SHEWCHUK: A comment at

1 Microphone 2?

2 DELEGATE GALANDY: Ivan Galandy,
3 Division 825, Locomotive Engineer.

4 Point of privilege.

5 A Brother, a former member of the
6 GCA here in Edmonton, his infant daughter is going
7 in for open heart surgery, emergency surgery
8 today. He is here on his own as EI has denied his
9 claim for paternal benefit leave.

10 I move that Brothers and Sisters
11 should join in passing the hat for this gentleman
12 and his family.

13 Thank you.

14 DELEGATE DEGERSTEDT: Keith
15 Degerstedt, 764 CTY.

16 I would second that motion.

17 PRESIDENT SHEWCHUK: All right.

18 I will ask our Parliamentarian in
19 that we haven't officially called roll.

20 Can we do that at this point?

21 Okay.

22 So everybody has their voting
23 machines. Duly noted that a motion has been made
24 and seconded.

25 Ivan, did you put it in writing so

1 that Line could put it up on the screens for us?

2 Have one of the Committee members
3 take that information.

4 We are still having trouble with
5 the two up here. There is nothing.

6 And the timer is off at the front.
7 So we have no screens or timer here.

8 --- Pause

9 PRESIDENT SHEWCHUK: From the
10 technical aspect in the back, the timer machine is
11 on now but we still have no screens up front. So
12 I'm not sure if somebody is working on it.

13 --- Pause

14 PRESIDENT SHEWCHUK: Okay, they
15 are up and running now.

16 So when we have the motion
17 written, Line, would you put it up on the screen.
18 It will probably be a second or two yet.

19 Yes, Microphone 2.

20 DELEGATE DEGERSTEDT: Keith
21 Degerstedt, 764, seconder of the motion.

22 Could I just add a little bit of
23 clarity to that without amending it?

24 PRESIDENT SHEWCHUK: Sure.

25 DELEGATE DEGERSTEDT: The Brother

1 is on paternity leave. She is new born within,
2 you know, a few months. He was receiving the
3 benefits until the time that his child was
4 actually put into hospital. Once she was in the
5 hospital, he was denied his UI benefits because
6 she was no longer under his care.

7 They are up here on their own dime
8 for this. It's a major operation that she has to
9 go through.

10 So I just wanted to clarify that:
11 that he was on paternity taking care of his child.
12 The minute she went into the hospital he was
13 denied the claim, and they are up here on their
14 own accord.

15 PRESIDENT SHEWCHUK: Great. Thank
16 you very much.

17 Okay, we have the motion, duly
18 moved and seconded: that the Brothers and Sisters
19 here donate to the family in their time and need
20 for emergency open heart surgery.

21 Is there any discussion?

22 Microphone 1.

23 DELEGATE NIJJAR: Gordon Nijjar,
24 Division 320, Vancouver CTY.

25 Point of information, Mr.

1 President.

2 We haven't given the roll call
3 yet.

4 PRESIDENT SHEWCHUK: Right. I
5 understand that, Gord. I asked our
6 Parliamentarian if it would be okay to do this
7 particular motion at this point in time, and he
8 said it was in accordance with the procedures.

9 I appreciate the clarification.

10 DELEGATE NIJJAR: Thank you.

11 PRESIDENT SHEWCHUK: So on that
12 note, I would ask that we put up slide No. 8 for
13 the vote.

14 Motion to accept the motion from
15 the floor. Please vote now.

16 --- VOTING

17 RESULTS ARE: 155 in favour; 3 against

18 CARRIED

19 PRESIDENT SHEWCHUK: The
20 Arrangements Committee will make some arrangements
21 for the donation process while we work through the
22 morning session.

23 So on that note, the next order of
24 business would be to put up slide No. 1, which is
25 attendance call, please.

1 Would you please vote now.

2 --- ATTENDANCE VOTE

3 PRESIDENT SHEWCHUK: Attendance
4 139? Or here one isn't.

5 We have a quorum to begin this
6 morning's proceedings.

7 Microphone 1.

8 DELEGATE NIJJAR: Mr. President,
9 Gordon Nijjar, 320 Vancouver CTY.

10 Could we take the roll call again,
11 please. We had a bit of a distraction and didn't
12 get a chance to vote to say I'm here.

13 PRESIDENT SHEWCHUK: We have a
14 quorum so there's no -- is there a particular
15 reason, Gord, that you would like it to be done
16 again?

17 DELEGATE NIJJAR: Well, the
18 attendance is recorded and I would like to record
19 my presence.

20 PRESIDENT SHEWCHUK: Okay, we can
21 do it again.

22 I'll tell you what, we will take a
23 few minutes and let this settle down and we will
24 do attendance again. I know people are distracted
25 so you probably didn't get a chance to vote.

1 So we will do attendance again
2 once we've settled down a bit.

3 Rolly, would you make a round over
4 here too.

5 --- Pause

6 PRESIDENT SHEWCHUK: Great,
7 thanks, Rolly.

8 Okay, could we have slide No. 1 up
9 again, please, and we will take attendance, now
10 that things have settled down.

11 Would you please vote now.

12 --- ATTENDANCE VOTE

13 PRESIDENT SHEWCHUK: There we are:
14 157 are here and 2 are not.

15 Anyways, thank you very much. We
16 have a quorum.

17 So on that note, we will continue
18 on with what we had been into before we recessed
19 yesterday, and that was the Bylaws Committee
20 Report.

21 So I would ask the Bylaws
22 Committee to come to the stage, please, the
23 Chairman.

24 --- Pause

25 PRESIDENT SHEWCHUK: I'm sorry,

1 Microphone 1.

2 DELEGATE NIJJAR: Gordon Nijjar,
3 Division 320, CTY Vancouver.

4 Mr. President, I would like to put
5 a motion on the floor, if I'm allowed. I realize
6 there was a motion already put on the floor before
7 the attendance.

8 Is this the time?

9 PRESIDENT SHEWCHUK: Yes.

10 DELEGATE NIJJAR: I would like to
11 put a motion on the floor that the Rail Conference
12 provide a meeting room this evening, Wednesday,
13 September 22nd, for the Delegates to hear from the
14 respective candidates who wish to declare their
15 intent for an office on the Rail Conference
16 Executive Board.

17 If I could have a seconder,
18 please.

19 DELEGATE SAUTAR-HASULO: Laura
20 Sautar-Hasulo from Windsor, Division 390,
21 conductor.

22 I second that motion.

23 PRESIDENT SHEWCHUK: All right,
24 thank you.

25 It's in writing so it will just

1 take a minute before we can get it up on the
2 screen.

3 --- Pause

4 PRESIDENT SHEWCHUK: Microphone 2.

5 DELEGATE WRIGHT: Cameron Wright,
6 Division 852, Toronto North, Engineers.

7 Is it possible to amend that
8 motion to reflect all candidates?

9 PRESIDENT SHEWCHUK: I'm not sure.
10 Let's see what it says.

11 I thought I had heard all
12 candidates, but I'm not sure. We will have to go
13 to the mover of the motion.

14 Brother Nijjar, was that your
15 intent?

16 DELEGATE NIJJAR: (Off microphone)

17 DELEGATE WRIGHT: Your wording was
18 all Executive Board.

19 DELEGATE NIJJAR: (Off microphone)

20 --- Pause

21 PRESIDENT SHEWCHUK: Brother
22 Nijjar, is that exactly what you had written down?

23 DELEGATE NIJJAR: (Off microphone)

24 DELEGATE WRIGHT: That's fine,
25 Mr. President. If you want to add all candidates,

1 I don't have a problem with that.

2 --- Pause

3 PRESIDENT SHEWCHUK: Just a
4 suggestion.

5 If you just delete the "Executive
6 Board" from the end, that should cover if
7 everybody has an opportunity.

8 DELEGATE NIJJAR. Okay, I will
9 scratch off the --

10 PRESIDENT SHEWCHUK: Okay. So the
11 motion will read:

12 "Motion at the Rail
13 Conference provides a meeting
14 room this evening, Wednesday,
15 September 22nd for the
16 delegates to hear from the
17 respective candidates who
18 wish to declare their intent
19 for office on the Rail
20 Conference." (As read)

21 So that's fairly clear. Motion
22 has been -- is there any further debate?

23 Being none, could we have Slide
24 No. 8, please?

25 Motion to accept from the floor.

1 Please vote now.

2 RESULTS ARE: 156 in favour; 5 against

3 CARRIED

4 PRESIDENT SHEWCHUK: Motion is
5 passed and we will make arrangements to have a
6 meeting room for this evening to provide for that
7 ability. Okay.

8 We will try and make it -- we will
9 put some -- I'm not sure exactly how we are going
10 to do this to advise everyone. If we can arrange
11 this before the end of day we will announce it
12 here, kind of thing.

13 I guess the ideal circumstance
14 would be to have it in this room but that may not
15 be possible.

16 Microphone 3.

17 DELEGATE SINGER: We will resume
18 the order of business?

19 PRESIDENT SHEWCHUK: Identify
20 yourself, please.

21 DELEGATE SINGER: Al Singer,
22 Division 563, Cranbrook, B.C., Locomotive
23 Engineers.

24 PRESIDENT SHEWCHUK: Yes, we will
25 resume business.

1 DELEGATE SINGER: Okay. So I rise
2 on behalf of Division 563.

3 I'm withdrawing the resolution on
4 pages 38, 39 and 40.

5 And I will remain at the mike to
6 speak to a similar resolution on pages 41 and 42.

7 PRESIDENT SHEWCHUK: So the
8 withdrawal is on pages 38, 39 and 40; am I
9 correct?

10 DELEGATE SINGER: That's correct.

11 PRESIDENT SHEWCHUK: Okay,
12 resolution withdrawn by Division 563.

13 RESOLUTION WITHDRAWN

14 PRESIDENT SHEWCHUK: So at this
15 point I will turn it over to Brother Butch on the
16 Bylaws Committee to move to the next resolution.

17 Oh, I'm sorry, Microphone No. 1.

18 DELEGATE NIJJAR: Thank you, Mr.
19 President. Gordon Nijjar, CTY, Division 320,
20 Vancouver.

21 I would like to put a motion to
22 reconsider the last on page 36. The reason being
23 I'm not able to make an educated decision until I
24 get a secretary-treasurer report, please.

25 So I would like a motion to

1 reconsider, if I could have a seconder?

2 PRESIDENT SHEWCHUK: Okay. Before
3 we get to that, just so we have a clarification, I
4 am going to ask our Parliamentarian to explain the
5 process when we get into a motion to reconsider
6 because there are some specifics that have to be
7 done.

8 Before the seconder comes up if
9 you would just bear with us a minute and I will
10 have Jim explain it.

11 Jim...?

12 PARLIAMENTARIAN SHIELDS: Again, I
13 hope to clarify and not confuse.

14 When and if you want to make a
15 motion to reconsider it can only be made by a
16 delegate who voted in favour of the resolution if
17 it passed, or if the resolution was defeated then
18 only by a member who had voted against the
19 resolution. The motion has to be seconded and
20 then passed by two-thirds of the delegates.

21 And when you make the motion you
22 have to identify that you didn't vote either in
23 favour of it or if it was defeated against it.

24 DELEGATE NIJJAR: Gordon Nijjar,
25 CTY.

1 I did vote for this motion and
2 this is why I'm reconsidering this motion, if I
3 could have a seconder, please?

4 DÉLÉGUÉ LAPOINTE : Guy Lapointe,
5 Division 960, CCF Montréal, secondé.

6 PRESIDENT SHEWCHUK: Thank you, a
7 seconder.

8 So could we have screen number --
9 I'm sorry, okay. A clarification, is there any
10 discussion on that?

11 Microphone 1.

12 DELEGATE NIJJAR: Gordon Nijjar,
13 320 Division, Vancouver.

14 Maybe the delegates would like to
15 know why I'm reconsidering it. Speaking with
16 several members; I don't have a
17 secretary-treasurer report in front of me. I
18 can't make an educated decision until I know where
19 our financial situation is as a national.

20 Therefore, to take this back to my
21 members and say, "Listen, your dues are up \$5.00
22 but I don't -- I made the decision before knowing
23 where our national -- our fiscal health is --
24 financial health".

25 PRESIDENT SHEWCHUK: Thank you.

1 Any other discussion?

2 No further delegates at the
3 microphone. Could we have Slide No. 13 -- oh,
4 sorry, a little too quick.

5 DELEGATE PERESTRELO: Ceser
6 Perestrello, Division 111, CTY Conductor.

7 My recollection is this \$5.00 is
8 going strictly to education and training and is
9 not part of the general revenue. So my knowledge
10 here it has nothing to do with the financial
11 report of the committee here. It is strictly
12 funded for one thing, training and education.
13 That's all.

14 Thank you.

15 PRESIDENT SHEWCHUK: Thank you.
16 Microphone 1.

17 DELEGATE CHAPUT: Rene Chaput,
18 Division 240, Engineer.

19 The \$5.00 raise for education is
20 fine but if it's all going to be for one year,
21 another member had mentioned that's \$600,000 a
22 year. Are we going to keep using that every year
23 or do you think maybe the raise are going to go --
24 instead of, I guess, \$2.00. That's a 250 percent
25 raise.

1 Maybe we should reconsider the
2 amount that is put in there for every year.
3 Because I don't think we are going to be using
4 \$600,000 a year for education purposes when it was
5 told that it's only going to cost roughly around
6 \$200,000 a year.

7 So maybe the amount that is being
8 assessed is a little excessive. Maybe we should
9 debate on how much we should maybe put in towards
10 the committee or the kitty.

11 PRESIDENT SHEWCHUK: Microphone 2.

12 DELEGAGE LEONARD: Mike Leonard,
13 Division 852.

14 A point of order here, aren't we
15 supposed to be discussing the notice to
16 reconsider?

17 PRESIDENT SHEWCHUK: Motion to
18 reconsider, exactly.

19 DELEGAGE LEONARD: The motion?

20 PRESIDENT SHEWCHUK: Not the
21 motion that was off.

22 DELEGAGE LEONARD: Not the motion
23 that's off?

24 PRESIDENT SHEWCHUK: Right. So we
25 have to -- exactly. You are correct.

1 The issue is to discuss the motion
2 to reconsider, not the motion itself. If it's
3 reconsidered then you would have the ability to
4 discuss all aspects of that motion.

5 Microphone 1.

6 DELEGATE HAMEL: Mark Hamel, 319,
7 Chapleau, Ontario, Locomotive Engineers.

8 I'm going to vote to reconsider
9 for the simple fact that I think we need to have
10 another look at it because I think it's important
11 to know where the financial health is before we
12 raise our members' dues.

13 Thank you.

14 PRESIDENT SHEWCHUK: Thank you.

15 Okay. Seeing no further delegates
16 at the microphones, the motion to reconsider,
17 could we have Slide No. 13?

18 Motion to reconsider requires
19 two-thirds majority. Please vote now.

20 RESULTS ARE: 87 in favour; 74 against
21 DEFEATED

22 PRESIDENT SHEWCHUK:

23 Unfortunately, the motion to reconsider is not
24 carried. Requirement would have been 107 for
25 reconsideration.

1 Okay. We will now return to the
2 Bylaws Committee for their -- and just before you
3 start, Brother Butch, I just wanted to give you a
4 count on the motion of this morning for the
5 family. \$3,049.67 were raised.

6 Appreciate it. Thank you very
7 much.

8 --- Applause

9 PRESIDENT SHEWCHUK: \$3,049.
10 Microphone 3.

11 DELEGATE ESSERY: Sorry, I think I
12 jumped ahead.

13 I just was going to withdraw
14 from -- sorry, Kari Essery, Division 954, Calgary
15 RTCs -- resolution on page 44, if you withdraw
16 that, please?

17 PRESIDENT SHEWCHUK: The
18 resolution on page 44, section 1A(i) withdrawn by
19 Division 954.

20 Thank you.

21 RESOLUTION WITHDRAWN

22 PRESIDENT SHEWCHUK: Microphone 3.

23 DELEGATE SINGER: I will await the
24 report from the Bylaws Committee.

25 PRESIDENT SHEWCHUK: Okay.

1 Brother Butch, when you are ready.
2 BYLAWS COMMITTEE, BUTCH BAILLIE:
3 Okay. We are right up to page 37 in your booklet.
4 It deals with Bylaws section 36(c), laws how
5 changed.

6 Your Bylaws Committee
7 recommendation: Your Bylaws Committee recommends
8 to accept the resolution submitted by the TCRC
9 President.

10 I so move.

11 PRESIDENT SHEWCHUK: Discussion.
12 Microphone 1.

13 DELEGATE SCARROW: Yeah, Mike
14 Scarrow, Division 159, Stratford, representing
15 Conductors.

16 I support this move.

17 However, I would like to make an
18 amendment to it to change it from "newly organized
19 units members" to "any units and members" to
20 reflect that our short lines -- they are making
21 nearly the same amount of money as their class one
22 carriers and yet they are still paying high dues.

23 I think it should be -- they
24 should have the opportunity to have their dues
25 lowered to reflect their wages.

1 PRESIDENT SHEWCHUK: Okay. So you
2 want to make an amendment. Would you like to
3 write that out and provide it to one of the
4 committee members?

5 If you have it written out that
6 would be great.

7 DELEGATE SCARROW: Yeah.

8 PRESIDENT SHEWCHUK: Okay.

9 Microphone 2.

10 DELEGATE EDWARDS, Div. 657: Greg
11 Edwards, Division 657, Engineers.

12 I would just like to clarify the
13 process here. Are we not -- if you want to amend
14 the actual submission do we not have to defeat the
15 committee recommendation first and then put the
16 submission on the floor?

17 No, it can be done while we
18 are...?

19 Okay.

20 PRESIDENT DANIEL J. SHEWCHUK:

21 Microphone 1.

22 DELEGATE HAMEL: Mark Hamel, 319,
23 Chapleau, Ontario, Locomotive Engineers.

24 Point of order, the Bylaws
25 Committee when they recommend something they are

1 also supposed to read the motion. Is that
2 correct?

3 PRESIDENT SHEWCHUK: That's
4 actually -- yes, I think that was what we started
5 yesterday. No, we didn't.

6 We weren't doing that yesterday
7 and there was only if there was a new -- a change
8 by the Bylaws Committee they would read their
9 change other than -- but they wouldn't read the
10 actual motion because you have it in front of you.

11 DELEGATE HAMEL: Okay, that's
12 right. I'm sorry.

13 PRESIDENT SHEWCHUK: That was the
14 process.

15 DELEGATE HAMEL: Thank you.

16 PRESIDENT SHEWCHUK: So prior to
17 making the amendment the discussion is on whether
18 you want to accept or --

19 --- Off record discussion

20 PRESIDENT SHEWCHUK: The motion to
21 amend required a seconder but we were providing
22 the information so we didn't have a seconder on
23 the amendment.

24 But having said that, if I'm
25 correct, Mr. Shields, we have -- we are not going

1 to amend. We have to defeat the Bylaws
2 recommendation and then return to the main motion
3 to have it altered.

4 So if there is any further debate
5 on the Bylaws recommendation then we would put up
6 Slide No. 2.

7 Motion to accept the Bylaws
8 Committee recommendation. Please vote now.
9 RESULTS ARE: 86 in favour; 72 against
10 CARRIED

11 PRESIDENT SHEWCHUK: Brother
12 Butch.

13 BYLAWS COMMITTEE, BUTCH BAILLIE:
14 Okay. The next one we are going to look at is on
15 page 41 and 42 of your booklet.

16 It is Bylaws section 39, annual
17 salaries; officers for the Rail Conference.

18 And your Bylaws Committee's
19 recommendations: This resolution is the same
20 resolution submitted by Division 563, absent the
21 first paragraph directing the TCRC to calculate
22 and establish the 2006 differential, and it
23 includes TCRC committee members.

24 Your Bylaws Committee recommends
25 to reject the resolution submitted by 563 and

1 retain present law.

2 I so move.

3 PRESIDENT SHEWCHUK: Microphone 3.

4 DELEGATE SINGER: Al Singer,
5 Division 563, Cranbrook, B.C., Locomotive
6 Engineers.

7 I rise to speak against the
8 Committee's recommendation to reject this
9 resolution. I believe it's important that -- our
10 division believes it's important that the members
11 see that there is parity between the salaries that
12 they earn and the salaries that we pay the
13 national officers.

14 Just a quick look at it, if we
15 took a median wage -- and in talking to different
16 people here this week, you know, we took a median
17 wage from our point of view of about \$85,000 that
18 an average TCRC member earns.

19 And if you took a 3 percent
20 increase on that over four years, you would
21 realize that that person is going to earn about
22 \$10,000 whereas looking at the laws that stand
23 today, if you apply that same 3 percent since 2006
24 to the TCRC present position it will be about a
25 \$20,000 increase.

1 And so our concern is that we
2 allow that to continue to grow that way, there is
3 going to be a greater and greater disparity
4 between the average member and the leadership of
5 our organization. That's a concern for our
6 division.

7 The other part of the intent of
8 the resolution from our division is that the
9 process isn't really all that well defined in
10 terms of how those increases are established. If
11 you look at the existing law, section 39, the law
12 says:

13 "Rail Conference officers'
14 salaries will be adjusted by
15 using monetary allowances,
16 increases or other applicable
17 adjustments negotiated
18 nationally for Rail
19 Conference members." (As
20 read)

21 You know that's not a defined
22 process that I, as a member, can look at and say,
23 "Well, here is what they are going to base their
24 judgment on when they are making a decision on
25 what their salaries are going to be for the next

1 four years".

2 Our hope is that we will come out
3 of this convention with a clear policy that people
4 can understand how those increases are awarded.
5 That's important that the members are able to see
6 how the officers of this union assign their own
7 wages.

8 Just for clarification, if you go
9 to section 14.2 that provides how that process
10 occurs which is that the national officers -- the
11 Executive Board, sorry -- has the power to
12 establish their wages which is then we refer back
13 to 39.

14 So it's our hope that we have a
15 clear process and that we maintain some parity
16 between what the average member earns and what the
17 executive earns.

18 So I ask you to support the
19 resolution and reject the Bylaws Committee's
20 recommendation.

21 PRESIDENT SHEWCHUK: Thank you.

22 Microphone 2.

23 DELEGATE EDWARDS, Div. 657: Greg
24 Edwards, Division 657, Locomotive Engineers.

25 I would just like to point out

1 that this particular submission the Bylaws
2 Committee referred to the previous submission, and
3 there is a longer explanation of the same issue
4 from the Committee on the previous submission.
5 I'm wondering if we could either have that read
6 out or I would direct the delegates to read it
7 because it goes into a little bit more detail as
8 to why the Committee rejected this submission.

9 I would also just like, before I
10 leave the mike, to explain just a couple of
11 things.

12 Look at the people sitting at the
13 front of the room. These aren't the junior guys.
14 These are the people working in their best five.
15 If you take a median of all members you are taking
16 the person who was working six months a year who
17 was recently hired out and also the top end of the
18 seniority.

19 I would suggest that we have got
20 some pretty big seniority sitting up there. So
21 they are not really, even if they were on the
22 property, earning the average or the median wage
23 of the membership.

24 PRESIDENT SHEWCHUK: Thank you.
25 Microphone 1.

1 DELEGATE HAMEL: Mark Hamel,
2 Chapleau, Locomotive Engineers.

3 I agree with Brother Edwards.

4 However, I'm just curious as to --
5 in the book here it's the 2006 wages. What are
6 the wages for 2010? Could we maybe have them up
7 on the board?

8 Thank you.

9 PRESIDENT SHEWCHUK: Yeah, we can
10 do that. It will just take a couple of minutes,
11 Mark.

12 DELEGATE HAMEL: Thank you.

13 PRESIDENT SHEWCHUK: Microphone 3.

14 DELEGATE SINGER: Al Singer,
15 Division 563, Cranbrook, B.C., Locomotive
16 Engineers.

17 Just a point of clarification on
18 the point raised by Brother Edwards from
19 Revelstoke.

20 The resolution of the division
21 doesn't say that the officers' salaries should be
22 set at the median of the average TCRC member.
23 What the resolution says is that the salaries
24 should be maintained at a percentage that is
25 similar to that that existed in 2006, so that we

1 don't have this disparity. Obviously, the
2 convention in 2006 decided that that was a fair
3 wage.

4 What we are saying now is, let's
5 keep that percentage difference the same so that
6 we don't have a greater and greater gulf between
7 what the average member earns and what we pay to a
8 TCRC executive officer.

9 That's what we are saying; not
10 that they should earn the same but that the parity
11 should remain the same.

12 Quite honestly, I mean, looking at
13 the Bylaws Committee recommendation that Brother
14 Edwards referred to, I'm a little confused because
15 if we are saying that parity is a good thing but
16 it's only a good thing if we apply it to
17 everybody, we have the power here to apply it to
18 this room and ask for the leadership to do that.

19 If we probably think it's a good
20 thing then we probably think it's a good thing
21 that workers earn parity of wages. But we can
22 start that here and this is one of those
23 opportunities to do that.

24 Let's practice what we preach.

25 PRESIDENT SHEWCHUK: Thank you.

1 Microphone 1.

2 DELEGATE DOHERTY: John Doherty,
3 Division 355.

4 What I'm concerned about here is
5 we are discussing the organizers' wages. As a
6 union do we not believe in fair pay for work done?

7 When you read our own collective
8 agreements we have wage disparity between engineer
9 and conductor, between conductor and brakemen,
10 between road, crafts and yards. I think it's
11 highly unfair that we sit here and judge whether
12 you are entitled to what you have earned for the
13 time spent.

14 I think the process is pretty well
15 defined as it is. That's all I have to say.

16 PRESIDENT SHEWCHUK: Thank you.
17 Thank you.

18 Just in regards to going back to
19 the request for information of Brother Hamel, the
20 President's salary is \$171,648.55,
21 one-seven-one-six-forty-eight-fifty-five.

22 The Vice-President's salary is
23 \$159,716.70. That's present salaries.

24 Oh, that's 2009, yeah. But there
25 has been no wage increases for 2010 so that's

1 current salary.

2 Any further discussion?

3 Microphone 1.

4 DELEGATE NIJJAR: Gordon Nijjar,
5 Division 320, Vancouver, CTY.

6 Mr. President, if you could have
7 the Bylaws Committee read out the recommendations
8 from the previous?

9 I believe one of the Brothers
10 asked for it already but could the Bylaws
11 Committee -- because it's withdrawn but the
12 recommendations on this one refers back to the
13 previous --

14 PRESIDENT SHEWCHUK: It does.

15 DELEGATE NIJJAR: -- could you
16 please read that out for us?

17 PRESIDENT SHEWCHUK: Sure.

18 Could we have -- Butch, would you
19 like to do that, please?

20 CHRIS SMITH, SPECIAL ADVISOR, TCRC
21 BYLAWS COMMITTEE: The resolution submitted by
22 Division 563 proposes:

23 "A direction to have the TCRC
24 determine the salary
25 differential between the

1 median wage of TCRC members
2 and the salaries of TCRC
3 officers as it existed in
4 2006.
5 Following on those
6 calculations, the salaries of
7 TCRC Rail Conference officers
8 and committee representatives
9 (Rail Conference Executive
10 Board, National Legislative
11 Director, GC of A Committee
12 Officers, Special
13 Representatives) would be
14 capped at their current
15 salary and remain capped
16 until such time as the
17 relationship which existed in
18 2006 is restored.
19 Further increases in the
20 salaries of TCRC Rail
21 Conference officers and any
22 representatives would be
23 limited to the extent
24 necessary to preserve the
25 percentage relationship which

1 existed in 2006." (As read)

2 Your Bylaws Committee has

3 considerable difficulty with the resolution

4 proposed. It is common knowledge the percentage

5 increases result in larger dollar increase for

6 those making higher wages. The resolutions

7 submitted by Division 563 focuses on the officers

8 of the TCRC but in reality the same phenomena

9 exists throughout the TCRC membership and within

10 all other unions.

11 Any time percentage wage increases

12 are applied to existing rates, members in

13 different classifications receive differing levels

14 of increase when that increase is converted to a

15 dollar amount. There are dozens of examples

16 within the TCRC membership alone.

17 The resolution submitted is

18 one-sided in that it proposes to limit the way

19 percentage increases apply to the TCRC officers

20 while a vast majority of TCRC members have

21 benefited and continue to benefit through the

22 application of percentage wage increases as

23 compared to other crafts both within and outside

24 the TCRC.

25 A further issue is the extent to

1 which the resolution proposes to be applicable.
2 Each general committee addresses salaries
3 differently in accordance with their own specific
4 GC of A bylaws which results in some general
5 chairmen earning a lower salary than others.

6 The same is applicable with
7 salaries and/or compensation earning connection
8 with duties associated with the different
9 provincial legislative boards.

10 The resolution also requires
11 complicated and time-consuming information
12 gathering and research. Various employers would
13 have to be relied on to supply the bulk of the
14 information and there exists no reasonable method
15 to ensure its accuracy.

16 The resolution submitted by
17 Division 563 is not grounded in principle. It
18 targets the salaries of the TCRC officers but
19 there is no corresponding expression of concern
20 for any alleged imbalances created by the
21 application of percentage increases within the
22 many different TCRC crafts.

23 Your Bylaws Committee recommends
24 to reject the Resolution submitted by Division 563
25 and to retain present law.

1 PRESIDENT SHEWCHUK: Any further
2 discussion?

3 No further Delegates at the
4 microphones. Okay.

5 Could we put up screen No. 2,
6 please? Motion to accept the Bylaw Committee
7 recommendation.

8 Please vote now.

9 RESULTS ARE: 105 in favour; 53 against.

10 CARRIED

11 PRESIDENT SHEWCHUK: Bylaws
12 Committee recommendation is carried.

13 Brother Butch:

14 DELEGATE BAILLIE: Okay. We're
15 next going to turn to page 45. That's Division --

16 PRESIDENT SHEWCHUK: Oh, I'm
17 sorry. Microphone 3, please.

18 DELEGATE MERCER: Mercer, Division
19 832, Locomotive Engineers.

20 I'd like to withdraw this
21 Resolution, as it will be covered by legislative
22 rule, Section 1(k).

23 PRESIDENT SHEWCHUK: Okay.

24 Resolution withdrawn by Division 832.

25 Carry on with the next Resolution.

1 DELEGATE BAILLIE: Contained on
2 page 46. Division Rule Section 1(a)(ii), Officers
3 Divisions.

4 The Bylaws Committee
5 recommendation. The local Chairman of the
6 Division is also the Delegate to the general
7 committee and is obligated to carry out their
8 Delegate responsibilities with the best interests
9 of the Division they represent foremost in their
10 mind.

11 Your Bylaws Committee is not
12 convinced that trying to hand -- that tying the
13 hands of the local Chairman on specific issues
14 prior to the GC of A is in the best interests of
15 the majority of the members of the Division.

16 It is important to hear the debate
17 surrounding an issue before making a decision, and
18 each Delegate, after hearing and participating in
19 that debate, will be in the -- will be in a better
20 position to make an informed decision before
21 casting their vote.

22 In addition, the minutes of the GC
23 of A should be made available to any member
24 Division upon request without the benefit of this
25 Resolution.

1 Your Bylaws Committee recommends
2 to reject the Resolution submitted by Division 728
3 and to retain present law. I so move.

4 PRESIDENT SHEWCHUK: Discussion?
5 No further Delegates at the mikes.
6 Please put up screen -- Slide No. 2.

7 Motion to accept the Bylaw
8 Committee recommendation. Please vote now.
9 RESULTS ARE: 145 in favour; 13 against.
10 CARRIED

11 PRESIDENT SHEWCHUK: Bylaws
12 recommendation to reject is carried.

13 Microphone 3.

14 DELEGATE ESSERY: Yeah, Kari
15 Essery, Division 954 Calgary RTCs.

16 Can we withdraw this Resolution,
17 please?

18 PRESIDENT SHEWCHUK: Okay. Thank
19 you.

20 Resolution withdrawn by Division
21 954.

22 DELEGATE BAILLIE: So we'll next
23 deal with page 49. Division Rule Section 2(a),
24 Qualification for Office.

25 And the Bylaws Committee

1 recommendation. Your Bylaws Committee agrees in
2 principle with the change sought by Division 954,
3 but feels Division Rule Section 2(b) is a more
4 appropriate paragraph to modify.

5 Your Bylaws Committee recommends
6 to reject the Resolution submitted by 954 and to
7 retain present law. I so move.

8 PRESIDENT SHEWCHUK: Discussion?
9 Could we have Slide No. 2, please?

10 Motion to accept the Bylaw Committee
11 recommendation. Please vote now.

12 RESULTS ARE: 132 in favour; 24 against.

13 CARRIED

14 PRESIDENT SHEWCHUK: Bylaws
15 recommendation is carried.

16 DELEGATE BAILLIE: Now found on
17 page 50, Division Rule Section 2(b), Qualification
18 for Office.

19 And the Bylaws Committee
20 recommendation. Your Bylaws Committee recommends
21 to accept the Resolution submitted by the Bylaws
22 Committee, and I'll read that Resolution:

23 "Only members who do not hold
24 membership in any other
25 labour organization which

1 purports to represent railway
2 workers and meet the
3 requirements of active
4 membership as defined in
5 Section 25(b) TCRC Division
6 Rules may be elected Delegate
7 or Alternate Delegate to the
8 Rail Conference: General
9 Chairman of the GCA, Local
10 Chairman or member of the
11 Local Committee of
12 Adjustments or legislative
13 representative or delegate to
14 the provincial Legislative
15 Board. Members absent
16 pursuant to a leave provision
17 sanctioned by government
18 statute will be considered to
19 have met the requirements of
20 active membership, provided
21 they have paid out of work
22 dues IBT and national dues
23 during the time of such leave
24 and, further, that the
25 duration of the leave did not

1 exceed twelve (12) months."

2 The note is unchanged, note
3 beginning January 1st, 2006:

4 "Eligibility to run for
5 office will be determined by
6 the applicable provisions of
7 the IBT Constitution as
8 modified in paragraph 6.8 of
9 the merger agreement."

10 I so move.

11 PRESIDENT SHEWCHUK: Discussion?

12 No Delegates to the microphones.

13 Could we have Slide No. 2, please, so it's up?

14 Motion to accept the Bylaw
15 Committee recommendation. Please vote now.

16 RESULTS ARE: 150 in favour; nine against.

17 CARRIED

18 PRESIDENT SHEWCHUK: Bylaw

19 Committee recommendation is carried.

20 DELEGATE BAILLIE; So next
21 contained on page 51. Division Rule Section 2(c),
22 Qualification for Office.

23 Your Bylaws Committee
24 recommendation. Your Bylaws Committee recommends
25 to accept the Resolution submitted by the TCRC

1 President. I so move.

2 PRESIDENT SHEWCHUK: Discussion.

3 No Delegates at the mike. Could
4 we have Slide No. 2, please? Thank you.

5 Motion to accept the Bylaw
6 Committee recommendation. Please vote now.

7 RESULTS ARE: 148 in favour; 10 against.

8 CARRIED

9 PRESIDENT SHEWCHUK: Bylaws
10 Committee recommendation is carried.

11 DELEGATE BAILLIE: Now located on
12 page 52. Division Rule Section 2(d),
13 Qualification for Office.

14 The Bylaws Committee
15 recommendation. Your Bylaws Committee agrees in
16 principle with the Resolution submitted by the
17 TCRC President but, upon review, determined there
18 are members currently employed in non-TCRC
19 bargaining units solely as a result of the duty to
20 accommodate legislation or through the application
21 of forcing provisions contained within their TCRC
22 Collective Agreement.

23 As a result, your Bylaws Committee
24 felt that it was appropriate to propose that these
25 members be excluded from the statute, but only to

1 the extent that they would be permitted to attend
2 TCRC Division meetings.

3 Your Bylaws Committee recommends
4 to reject the Resolution submitted by the TCRC
5 President and to accept the Resolution submitted
6 by the Bylaws Committee. That Resolution I'll
7 read:

8 "Anyone while employed in a
9 management position or other
10 non-TCRC bargaining unit
11 capacity with the employer
12 shall not serve in any
13 capacity under or for the
14 Rail Conference, shall not
15 attend Division meetings and
16 shall not nominate and/or
17 vote for any matter before
18 the Rail Conference
19 regardless of their
20 membership status or the
21 payment of union dues.

22 Note: Notwithstanding the
23 above, members employed in a
24 non-TCRC bargaining unit will
25 be permitted to attend

1 Division meetings, but only
2 if such employment is solely
3 as a result of a duty to
4 accommodate provisions or as
5 a result of forcing
6 provisions contained within
7 their TCRC Collective
8 Agreement."

9 I so move.

10 PRESIDENT SHEWCHUK: Microphone 3.

11 DELEGATE JASON LANG: J. Lang, 469
12 Ottawa, Conductors.

13 I just need a little clarification
14 there. There are times when I've been laid off
15 and I still have to -- well, I still go to
16 meetings and I still want to be able to perform my
17 duties as a local rep.

18 I'm not sure if this, if this
19 would, you know, take away that responsibility or
20 disable me from doing those things.

21 PRESIDENT SHEWCHUK: I don't see
22 it from my perspective as interfering with your
23 ability to represent under those conditions that
24 you've explained.

25 DELEGATE LANG: Just because the

1 language in the, in the recommendation there says
2 if they're not employed. I mean, if they're laid
3 off, are they still considered to be employed even
4 if the -- let's say in the interim they take
5 another job?

6 SPECIAL ADVISOR, TCRC BYLAWS
7 COMMITTEE, CHRIS SMITH: We're talking about those
8 that are employed, but in -- but outside of their
9 regular -- laid off does not -- this does not
10 apply to somebody laid off per se.

11 DELEGATE LANG: Okay. Per se or?

12 SPECIAL ADVISOR, TCRC BYLAWS
13 COMMITTEE, CHRIS SMITH: It's meant to deal with
14 somebody who's working outside, who's working
15 outside of their normal craft.

16 DELEGATE LANG: Okay. So like
17 strictly management or even if it's engineer
18 representing conductors or --

19 SPECIAL ADVISOR, TCRC BYLAWS
20 COMMITTEE, CHRIS SMITH: Well, an engineer
21 representing conductors, if he's eligible to have
22 been elected to begin with, the fact that he's
23 working in the other craft has absolutely nothing
24 to do with this.

25 DELEGATE LANG: Okay. Thanks.

1 PRESIDENT SHEWCHUK: Microphone 1.

2 DELEGATE MARK HAMEL: I'd like to
3 make a -- Mark Hamel, Chapeleau, Ontario.
4 Division 319.

5 I'd like to make a small amendment
6 to the motion, and just add, "Anyone while
7 employed in a management position with any
8 employer" to that.

9 And the reason for that is because
10 when we had, when we had the recession hit, we had
11 guys laid off. They went into -- one guy in
12 particular went into a management position down in
13 Sudbury when there was a strike on, and he was
14 so-called in management, so I think we don't want
15 those people at our meetings.

16 PRESIDENT SHEWCHUK: Okay, Brother
17 Hamel. Just I'm not sure if Line has that
18 available on her computer, that submission, so
19 that we could add the amendment, add those words
20 in there so everybody can see.

21 Obviously you'd need a seconder
22 for that.

23 DELEGATE HAMEL: Yeah. Okay.

24 PRESIDENT SHEWCHUK: Microphone 2.

25 DELEGATE GREG EDWARDS: Greg

1 Edwards, Division 657, Locomotive Engineers.

2 I just wanted to speak to the
3 Brother from Ottawa's point about being laid off
4 and just point out that it says "or other non-TCRC
5 bargaining unit capacity with the employer", so
6 what this means is so if you work off working for
7 somebody else, it's -- and you're laid off, you're
8 not included in the language in this.

9 This is somebody who's working
10 for -- you're going -- you're clerking somewhere
11 else or, you know, specifically it was put in
12 there because of a provision in one collective
13 agreement where, if you're laid off, they can
14 actually move you out to work on the gangs or
15 other employment in the company, and that's a
16 collective agreement provision.

17 That's why that was put in there.

18 When you're laid off, it's not
19 there to deal with you if you've gone and found a
20 job with someone else. And it specifically says
21 "with the employer".

22 PRESIDENT SHEWCHUK: Before I --
23 okay. Microphone 3.

24 DELEGATE AL SINGER: Al Singer,
25 Division 563, Grandbrook, BC, Locomotive

1 Engineers.

2 I guess just a question of the
3 Bylaws Committee. I wonder in forming this
4 Resolution if they considered the provisions of
5 the Labour Code that speak to what constitutes a
6 managerial position or supervisor position versus
7 membership in a bargaining unit.

8 I think, just off the top of my
9 head -- I'm not -- I can't grasp the particular
10 article or section of the Code, but I believe the
11 definition separates between someone who has the
12 ability to impose discipline or has open access to
13 employee files as constituting the definition of a
14 manager versus someone who should have access or
15 could have access to a bargaining unit.

16 So a question to the Bylaws
17 Committee.

18 SPECIAL ADVISOR, TCRC BYLAWS
19 COMMITTEE, CHRIS SMITH: Our position would be
20 that, for our purposes in these Bylaws, that the
21 definition of management would be pretty wide
22 ranging until a point we were challenged on it.

23 We would define who's management
24 and who isn't, and let them push from the other
25 side if there's a problem.

1 PRESIDENT SHEWCHUK: Microphone 1.

2 DELEGATE WRAY McCLELLAND: Wray
3 McClelland, Kamloops, 855.

4 In Kamloops, we see this as a big
5 issue, any other non-TCRC bargaining unit with the
6 employer.

7 We've had a lot of people laid
8 off, and the last eight went to the gangs, which
9 is steel, so it's not represented by the TCRC so
10 they would be considered -- and we've had this
11 problem at our meetings where the new people
12 wanted to get involved and they weren't able to,
13 so --

14 PRESIDENT SHEWCHUK: Microphone 3.

15 DELEGATE GARY ANDERSON: Gary
16 Anderson, 68, London, Ontario, Engineers.

17 We've had a few people in our area
18 accommodated into management positions. I helped
19 do it. Some of these guys were friends of mine.

20 Having said that, I don't want
21 them at my meeting. That's it.

22 I mean, they talk. They're good
23 guys; they're nice guys, but I don't want them at
24 the meeting.

25 PRESIDENT SHEWCHUK: Microphone 1.

1 DELEGATE GORDON NIJJAR: Gordon
2 Nijjar, Division 320, Vancouver, CTY.

3 Mr. President, I believe the
4 amendment is out of order. We have to defeat the
5 recommendation by the Bylaw Committee before we
6 can begin amendment.

7 PRESIDENT SHEWCHUK: The way I
8 understand it explained by Jim is that the -- this
9 is an amendment to the Resolution submitted by the
10 Bylaws Committee.

11 You're not going back to the
12 original submission and altering that. You're
13 altering, actually, what's on the floor to accept.
14 And it is in order, from what I understand.

15 Yes. I'll ask Jim to explain it
16 further.

17 PARLIAMENTARIAN JIM SHIELDS: When
18 the Committee makes a recommendation to adopt the
19 Resolution, then the amendment has to be dealt
20 with right at that time.

21 If the Committee makes the
22 recommendation to reject, then you have to deal
23 with the rejection first, and if that is defeated,
24 then you deal with the amendment to the motion.

25 DELEGATE NIJJAR: Thank you.

1 PRESIDENT SHEWCHUK: Microphone 1.

2 DELEGATE DUSTIN SAUNDERS: Dustin
3 Saunders, Division 945 in Vancouver.

4 I'd like to speak against the
5 Bylaw Committee's Resolution or recommendation.

6 Most of it I agree with, but one
7 problem that I see in it is with the newer
8 employees that have been laid off and they're
9 working temporarily in the section gangs or the
10 car department, I still believe that they should
11 be entitled to attend meetings.

12 Perhaps they shouldn't vote on
13 issues, but if they'd like to attend the meetings
14 and, you know, participate in them, we shouldn't
15 limit their ability to do that.

16 PRESIDENT SHEWCHUK: Thank you.

17 So before I address any of the
18 other mikes, and unless I missed something here,
19 but we don't have a seconder to the motion, so if
20 we don't have a seconder to the motion -- and it
21 was put up now.

22 I would appreciate if it was
23 either seconded or withdrawn.

24 Microphone 1.

25 DELEGATE KEVIN SHANAHAN: Kevin

1 Shanahan, Division 952, Rail Traffic Controller.

2 I'd just like to second that
3 amended motion.

4 PRESIDENT SHEWCHUK: Great. Thank
5 you.

6 DELEGATE SHANAHAN: Thanks.

7 PRESIDENT SHEWCHUK: Microphone 3.

8 DELEGATE JOSE LOPEZ: Jose Lopez,
9 Division 737, Locomotive Engineers, Dauphin.

10 I'd just like to say that anyone
11 going into these management positions that come
12 back, I think they should not be allowed to run
13 for any office, any position in the union, period,
14 once they've decided to come back, even within
15 that year where they're allowed to come back.

16 Those, those are the people that I
17 really don't think should be running for any
18 position in the union. Thanks.

19 PRESIDENT SHEWCHUK: Thank you.
20 Microphone 1.

21 DELEGATE RAMON LESORES: Ramon
22 Lesores, Division 660, Chapelain.

23 I'm in favour of the President's
24 Resolution.

25 In our present situation in the

1 shop, our lead supervisors work only temporary
2 bargaining unit in four hours. After four hours,
3 he's a supervisor. He's attending the meeting.
4 After the meeting, you saw him doing some texting
5 and reporting to management.

6 And there's a situation one member
7 is being harassed by a manager questioning a
8 member about his overtime, and this member is a
9 loyal attendance. Every general meeting, he's at
10 the meeting, and all of a sudden, there's a
11 question on his overtime.

12 So I support the President's
13 Resolution on this. Thank you.

14 PRESIDENT SHEWCHUK: Thank you.
15 Microphone 3.

16 DELEGATE TOM RIKER: Tom Riker,
17 Division 68, London, Conductors and Trainmen.

18 Just looking for a little bit of
19 clarification.

20 The other member said that he
21 thought that people that were forced into other
22 departments but still within a union would not be
23 allowed to attend meetings.

24 That's not the case, is it? They
25 specifically would be allowed to attend.

1 Now, what would happen if someone
2 was laid off, got a job at The Bay as a floor
3 manager? Would they not be allowed to attend
4 meetings any more, or how would that work?

5 DELEGATE BAILLIE: Well, what the
6 amendment says a manager with any employer.

7 DELEGATE RIKER: With any
8 employer.

9 So if you're in management in any,
10 even a supervisor at Goodlife Fitness. Okay.

11 DELEGATE BAILLIE: That's what the
12 motion to amend says, yes.

13 DELEGATE RIKER: Okay. Thank you.

14 SPECIAL ADVISOR, TCRC BYLAWS
15 COMMITTEE, CHRIS SMITH: Just another point of
16 clarification also is the duty to accommodate.

17 If you look at the note, the note
18 is specific to members employed in non-TCRC
19 bargaining units. It still has to be a bargaining
20 unit in order to meet that exception.

21 If somebody was accommodated in a
22 management position, that is not a bargaining
23 unit, so they're excluded completely from that
24 note. Anybody in a management position, whether
25 it be duty to accommodate or not, would not have

1 the protection of that note.

2 PRESIDENT SHEWCHUK: Microphone 1.

3 DELEGATE WRAY McCLELLAND: Wray
4 McClelland, Kamloops, Division 855.

5 Just a question. Or other
6 non-TCRC bargaining unit capacity with a
7 membership.

8 In the CN Collective Agreement
9 4.3, our members can be forced to other crafts, so
10 a person, say, like Dustin Saunders could be
11 forced to the carmen or the car department or the
12 section crews.

13 Now, when he's forced there, which
14 he has to take -- otherwise, he forfeits his
15 seniority -- by this bylaw here he's no longer
16 going to be able to serve as local Chairman.

17 Is that correct?

18 SPECIAL ADVISOR, TCRC BYLAWS
19 COMMITTEE, CHRIS SMITH: What he's -- what this
20 allows is for him, in those circumstances, to
21 attend Division meetings, but only to attend
22 Division meetings.

23 DELEGATE McCLELLAND: So he can no
24 longer be local Chairman, even though he is forced
25 to the other department.

1 SPECIAL ADVISOR, TCRC BYLAWS
2 COMMITTEE, CHRIS SMITH: No.

3 DELEGATE BAILLIE: We're not
4 dealing with eligibility for office here. We're
5 dealing with the right to attend a meeting and the
6 ability to do that.

7 So if he is eligible for office
8 when he receives a nomination for local Chairman,
9 if he continues to be eligible for office in that
10 he has seniority in that craft, then he would
11 continue to be able to represent.

12 DELEGATE McCLELLAND; It says
13 "shall not serve", though, in any capacity. That
14 doesn't say attend meetings.

15 UNKNOWN PERSON: (Off mike)

16 DELEGATE McCLELLAND: No. It says
17 any employer or other non-TCRC bargaining unit
18 capacity with the employer "shall not serve in any
19 capacity".

20 DELEGATE BAILLIE: But I think
21 under the good standing rule, if they're not
22 paying union dues and they're not doing those
23 things, they wouldn't be able to serve anyway.

24 DELEGATE McCLELLAND: Well, we're
25 not going to be here in eight years to make that

1 decision, most of us, so I'm just looking what
2 we're setting up for the future because these
3 people have to take this forcing; otherwise, they
4 give up their jobs.

5 DELEGATE BAILLIE: Understood, and
6 that's why we made the modification to the
7 President's, was we understood that under some of
8 the CN work rules that they may be required to
9 take those positions.

10 That being said, we still wanted
11 to give them the ability to attend at union
12 meetings. Also recognizing that they weren't
13 working the craft, they wouldn't have the ability
14 to vote on issues.

15 DELEGATE McCLELLAND: I guess I
16 can't make an amendment until after we deal the
17 first one down?

18 PRESIDENT SHEWCHUK: Well,
19 exactly. So we're dealing with --

20 DELEGATE McCLELLAND: Okay.

21 PRESIDENT SHEWCHUK: The
22 discussion is on the amendment as put forth, the
23 three words.

24 DELEGATE McCLELLAND: I'll make
25 another one afterward.

1 PRESIDENT SHEWCHUK: Right.

2 Microphone 1?

3 DELEGATE MARK HAMEL: Mark Hamel,
4 Division 319, Chapeleau.

5 Actually, point of order. He can
6 make an amendment to the amendment.

7 PRESIDENT SHEWCHUK: Right.

8 Right. Should he so desire. I'm not sure if he
9 wanted to do that.

10 I'm going to go to Microphone 3.

11 DELEGATE TERRY WRIGHT: Terry
12 Wright, Division 847.

13 The way I read that, anyone while
14 employed in a management position. So if they
15 force you to the section to pound spikes, it's not
16 a problem. If they make you the track supervisor,
17 you can't hold your local Chairman job.

18 Is that not the way it is for
19 these junior guys if you get forced to just
20 another job?

21 But if they make them a manager on
22 the other job, then he can't attend meetings.
23 Right?

24 Isn't that the way it reads?

25 So those guys that get forced can

1 still attend a meeting in their local, but if they
2 made him a track supervisor, now they're
3 management.

4 PRESIDENT SHEWCHUK: Brother
5 Terry, can I interrupt because we're --

6 DELEGATE WRIGHT: Shouldn't be a
7 problem.

8 PRESIDENT SHEWCHUK: -- we're
9 speaking to the amendment. And the amendment is
10 only the three words "with any employer".

11 That's what we're speaking to at
12 this point.

13 Save your thoughts because if we
14 go back, that type of thing, then that will impact
15 the ballots.

16 Microphone 1.

17 DELEGATE WRAY McCLELLAND: Wray
18 McClelland, Kamloops, 855.

19 I'd like to make an amendment to
20 the amendment to remove or other non-TCRC
21 bargaining capacity with the employer, please.

22 PRESIDENT SHEWCHUK: Could you
23 write that out and hand it back, kind of thing?

24 Do we have a seconder?

25 Microphone 3. Wait 'til it turns

1 on.

2 DELEGATE DON ASHLEY: Don Ashley,
3 Division 529.

4 I'll second that amendment.

5 PRESIDENT SHEWCHUK: Okay. Thank
6 you.

7 --- Pause

8 PRESIDENT SHEWCHUK: Okay, we are
9 getting into a situation here where we need some
10 expertise.

11 The point being, as Jim brought
12 up, is the amendment was for any employer, I
13 believe. The amendment to the amendment as put
14 forth by Brother Wray does not alter those three
15 words. It's an amendment to the balance of the
16 motion.

17 So what we have to do is
18 discussion on only those three words or if you
19 want to amend those three words.

20 If we defeat or include, then we
21 move back to the previous motion, at which point I
22 would suggest that Brother McClelland would have
23 the ability to then make the amendment, because
24 the amendment is incorporated in the balance of
25 the resolution.

1 So the debate is at this point on
2 the three words on the amendment, that was duly
3 seconded, "with any employer". That is what we
4 are debating at this point. And once debate
5 ceases, we will vote on that.

6 Microphone 1.

7 DELEGATE HAMEL: Mark Hamel,
8 Chapleau, Ontario, 319.

9 So we are just looking at the
10 yellow right now, just for clarification.

11 PRESIDENT SHEWCHUK: That's right.

12 DELEGATE HAMEL: And the green is
13 still included. But we will go back to the
14 Brother from Kamloops.

15 PRESIDENT SHEWCHUK: That is
16 correct.

17 DELEGATE HAMEL: Okay.

18 In included those three words.

19 And for the Brother that was
20 concerned for the guy that was laid off, working
21 at Fitness for Life management, I'm sorry, it is
22 pretty broad based and we can't exclude everybody.
23 And this kind of captures everybody in the
24 management field.

25 But we still have to protect our

1 union for the simple fact that if you are in
2 management and you are working for a non-railway,
3 it's still management.

4 What happened with us in Chapleau
5 is that this person in particular was working in a
6 railway field in a management position while other
7 people were on strike.

8 So you know what? It really
9 turned my stomach and I didn't like it. And
10 that's why I wanted to add this word.

11 Thank you.

12 PRESIDENT SHEWCHUK: You have to
13 get to a microphone.

14 Microphone 1.

15 DELEGATE SAUNDERS: Dustin
16 Saunders, Division 945, Vancouver.

17 Regarding the guy that would get
18 the management job at Fitness World, at the end of
19 the day it will be up to the Division members, the
20 members of your own Division, whether to charge
21 the guy under that section of the Bylaws or not.

22 So if he's a stand-up guy and
23 everybody likes him, then it wouldn't be an issue.
24 But if he is, you know, less than -- less than
25 stellar; thank you.

1 I'm trying not to swear into the
2 microphone here.

3 --- Laughter

4 PRESIDENT SHEWCHUK: Thank you. I
5 appreciate that.

6 DELEGATE SAUNDERS: But if he's
7 less than stellar, then you guys would have an
8 avenue to get rid of that guy using the Bylaw.

9 PRESIDENT SHEWCHUK: Thank you.
10 Microphone 3.

11 DELEGATE VOYER: Mark Voyer, 897.
12 Call for the question.

13 PRESIDENT SHEWCHUK: Seconder...?

14 DELEGATE BOUVIER: Dean Bouvier,
15 Local 151, Terrace, B.C.

16 I will second that.

17 PRESIDENT SHEWCHUK: Okay.

18 DELEGATE BOUVIER: And I would
19 also like to speak on the amendment.

20 PRESIDENT SHEWCHUK: You can't.

21 DELEGATE BOUVIER: Can I retract
22 the second?

23 --- Laughter

24 PRESIDENT SHEWCHUK: Sorry, Dean.
25 The question has been called. No

1 more debate. The question has been called: to
2 accept the amendment to the motion.

3 Put up slide No. 4, please, which
4 is "with any employer". That's what you are
5 voting on, those three words.

6 So if we can have slide number...

7 Sorry.

8 --- Pause

9 PRESIDENT SHEWCHUK: Okay, just a
10 clarification because there was a question on
11 whether once you call the question, what you are
12 actually voting on.

13 What you are voting on is exactly
14 what the amendment was, those three words. That
15 was the call for the question.

16 Microphone 1.

17 DELEGATE HAMEL: Mark Hamel,
18 Division 319, Locomotive Engineers.

19 Can we get the actual motion
20 without the green so everybody is understanding
21 what we are actually voting on?

22 PRESIDENT SHEWCHUK: We should be
23 able to do that.

24 DELEGATE HAMEL: Thank you.

25 --- Pause

1 PRESIDENT SHEWCHUK: Is there any
2 more debate?

3 Seeing nobody at the microphones,
4 put up screen No. 3, the amendment to the motion.

5 Please vote now.

6 --- VOTING

7 RESULTS ARE: 105 in favour; 53 against

8 CARRIED

9 PRESIDENT SHEWCHUK: So with
10 standing clarification from our Parliamentarian,
11 we will now vote on the motion as amended.

12 At this point, Brother Wray, if
13 you would like to make an amendment, it would be
14 in order.

15 DELEGATE McCLELLAND: Wray
16 McClelland, 855, Kamloops.

17 I would like to make the amendment
18 I made earlier, with the green line, please.

19 PRESIDENT SHEWCHUK: Okay. Could
20 we have that slide up with the green lines.

21 Microphone 1.

22 DELEGATE SAUNDERS: Dustin
23 Saunders, Division 945, Vancouver.

24 I would like to second the motion
25 or the amendment.

1 PRESIDENT SHEWCHUK: Thank you.
2 Is that correct, Brother Wray?
3 Delete the green? Okay. So that
4 is struck out.
5 That is the amendment, duly
6 seconded.
7 Any discussion?
8 Microphone 2.
9 DELEGATE LEONARD: Mike Leonard,
10 Division 852, Toronto.
11 Can I speak on the original
12 resolution or do I have to only speak on the --
13 PRESIDENT SHEWCHUK: The
14 amendment. We are discussing the amendment.
15 DELEGATE LEONARD: So I can only
16 comment on the amendment.
17 PRESIDENT SHEWCHUK: Exactly.
18 Any other discussion?
19 Seeing nobody at the microphones,
20 could we put up slide No. 3, amendment to the
21 motion.
22 Motion to accept the amendment to
23 the motion. Please vote now.
24 --- VOTING
25 RESULTS ARE: 130 in favour; 30 against

1 CARRIED

2 PRESIDENT SHEWCHUK: Now we will
3 return to the motion, as amended.

4 We are back to the motion, as
5 amended. It's passed.

6 UNIDENTIFIED SPEAKER: Back to the
7 resolution.

8 PRESIDENT SHEWCHUK: No, the
9 motion as amended. So it's the Bylaws Committee
10 recommendation was amended and that's now --

11 DELEGATE LEONARD: Mike Leonard,
12 852.

13 First of all, I don't agree with
14 all this mumble-jumble, all the rest of the stuff.
15 The original thing is: No member who is promoted
16 to an official position on any railway, that's any
17 company position, shall serve in any capacity in
18 the Rail Conference or attend Division meetings.

19 That's it, right there. We don't
20 need all the rest of that stuff: because you're a
21 manager at Good Fitness or you're a manager here,
22 you can't go to a meeting. You know, it's just a
23 company position.

24 You take any kind of company
25 position with any carrier, and you can't attend

1 any meetings. There's nothing wrong with the way
2 it is.

3 Why put all this other stuff to
4 confuse people? Look how many people are all
5 confused with all this mumble-jumble that's
6 written here?

7 I want to -- what is it -- reject
8 the resolution by the Bylaws Committee and then
9 reject -- on the second vote, reject the
10 submission, the original submission of the
11 resolution.

12 Thank you.

13 PRESIDENT SHEWCHUK: Thank you.

14 Microphone 3.

15 DELEGATE ELLERBECK: Rick
16 Ellerbeck, Division 105, Prince George, B.C.,
17 Locomotive Engineers.

18 I would like to make an amendment
19 to the present resolution, to include layoffs.
20 Not all collective agreements provide for forcing
21 and some guys take the layoff and then go and work
22 in another craft.

23 I don't believe they should be
24 prevented from attending meetings because they are
25 laid off but working in a non-TCRC craft.

1 PRESIDENT SHEWCHUK: So you want
2 to make an amendment to the resolution submitted
3 by the Bylaws Committee.

4 Do you want to write it out, Rick?

5 DELEGATE ELLERBECK: I wrote it
6 out and handed it in.

7 PRESIDENT SHEWCHUK: So when we
8 see it on the screen then we can -- do you have a
9 seconder?

10 So we need a seconder to the
11 amendment proposed by Brother Ellerbeck.

12 Microphone 1?

13 We have no seconder to the
14 amendment proposed.

15 Line, can we have those words put
16 up on the screen so people can have a look at it
17 to see what it reads.

18 --- Pause

19 DELEGATE ELLERBECK: Maybe I
20 should clarify that was to be added to the end of
21 the note.

22 PRESIDENT SHEWCHUK: At the end of
23 the note, Line, what was submitted to you.

24 --- Pause

25 PRESIDENT SHEWCHUK: Is that

1 correct, Rick?

2 DELEGATE ELLERBECK: Yes.

3 PRESIDENT SHEWCHUK: Do we have a
4 seconder?

5 Do we have a seconder? I will ask
6 one more time.

7 DELEGATE MARTIN: Wade Martin,
8 Division 105, North Vancouver.

9 I will second that.

10 PRESIDENT SHEWCHUK: The amendment
11 has been seconded.

12 Discussion on the amendment to the
13 motion.

14 Microphone 1.

15 DELEGATE DOHERTY: John Doherty,
16 Division 355, Conductor.

17 I'm a little confused and
18 concerned here. I believe what we are looking at
19 is to protect the Divisions from interference by
20 prospective company managers or outside
21 influences.

22 So maybe we should all step back
23 and take a look at what we are trying to do here
24 and how we are trying to tweak this thing, because
25 we are trying to cover everybody and anything.

1 Should we not be looking at how to
2 protect the Division from interference, period:
3 from people who are not working in the craft, that
4 are out doing other things? But do we really want
5 them in there having a say to what the Division is
6 doing if they are not working in the Division in
7 the capacity of the worker any more?

8 That's all.

9 PRESIDENT SHEWCHUK: Okay. I just
10 want to clarify that the discussion pertains to
11 the amendment only, not to the main motion.

12 So any comments you have are only
13 on the highlighted part at the bottom and that is
14 the amendment.

15 So discussion is on that issue
16 only.

17 Microphone 3.

18 DELEGATE REDGRIFT: Tom Redgrift,
19 Division 68.

20 Understanding that, what you are
21 saying here is unless you get a job in another
22 union, you are no good.

23 So if I get laid off or wrongly
24 fired, I'm a local chairman. I can't go pump gas?
25 Like that seems a little ridiculous.

1 It says I have to be a member --
2 even if it's a non TCRC one, I have to be a member
3 of a union, regardless.

4 I think what Brother Leonard said
5 before was correct. What we are trying to do is
6 stop people from management within the rail
7 industry getting into this. And I think that's
8 the basis of what we should go on.

9 This is being ridiculous, limiting
10 people.

11 --- Applause

12 PRESIDENT SHEWCHUK: Microphone 1.

13 DELEGATE INGLES: John Ingles,
14 240, Sarnia.

15 Could you make that larger here?
16 I'm somebody's grandpa and I can't read that.

17 --- Laughter

18 PRESIDENT SHEWCHUK: Okay.

19 Is that better?

20 Any further discussion on the
21 amendment only?

22 Microphone 3.

23 DELEGATE SINGER: Al Singer,
24 Division 563, Cranbrook, B.C., Locomotive
25 Engineers.

1 Just a question of the Chair or of
2 the Bylaws Committee.

3 This amendment that we are
4 considering now, what is the standing of a person
5 who is laid off presently? Isn't this amendment
6 venturing into provisions that are already covered
7 in the Constitution?

8 CHRIS SMITH, SPECIAL ADVISOR, TCRC
9 BYLAWS COMMITTEE: This is exactly the problem
10 right now. Whether people like it or whether they
11 don't, we have a good standing rule, and that is
12 what is there to protect the Division.

13 What we were proposing was to try
14 and include people to attend Division meetings
15 that would otherwise be excluded.

16 Under the present law, people that
17 get laid off and go to work for other employers,
18 it's not the fault of the Division that they have
19 been laid off and it's not a penalty that somebody
20 is trying to apply to them because they are in
21 that position.

22 But it's a fact of reality.
23 Division meetings and participation in them are
24 for people who qualify in the good standing rule.
25 They are for members.

1 And to serve as local chairmen,
2 serve as officers, be elected, be nominated, you
3 have to qualify. You have to qualify for the good
4 standing rule.

5 We are off on another tangent
6 here.

7 DELEGATE SINGER: So could you
8 speak to the good standing rule, Brother Smith, so
9 we all understand what enables those people to
10 attend our meetings when they are laid off?

11 CHRIS SMITH, SPECIAL ADVISOR, TCRC
12 BYLAWS COMMITTEE: The good standing rule comes
13 back from the original, the 24-month and the rest,
14 which we inherited when we came into the TCRC.

15 If you are paying dues and you
16 have seniority -- but once you are not paying
17 dues, once you fall outside of that, for whatever
18 reason, then your entitlement in the division is
19 gone.

20 What we were trying to cover off
21 is people that found themselves in that position
22 for two very specific reasons: through duty to
23 accommodate and through a forcing provision of
24 their native craft TCRC collective agreement.

25 DELEGATE SINGER: So if I

1 understand what you are saying, provided they are
2 in good standing, this amendment is not
3 necessary --

4 CHRIS SMITH, SPECIAL ADVISOR, TCRC
5 BYLAWS COMMITTEE: What's that, Brother?

6 DELEGATE SINGER: I'm saying
7 provided they are in good standing, this amendment
8 is not necessary. They are entitled to attend
9 meetings providing they are in good standing,
10 whether they are laid off or not.

11 CHRIS SMITH, SPECIAL ADVISOR, TCRC
12 BYLAWS COMMITTEE: How would they be in good
13 standing when they were laid off?

14 DELEGATE SINGER: Because you said
15 if they pay dues, they are in good standing.

16 We need to speak to that because
17 if we are going to change this, are we now saying
18 that they can attend if they are laid off?

19 CHRIS SMITH, SPECIAL ADVISOR, TCRC
20 BYLAWS COMMITTEE: I think if we go back to what
21 was originally -- you asked to hear from the
22 Committee on what was originally maybe in our
23 minds when we developed this.

24 When we developed it, we looked
25 and said it's a much narrower box than I think

1 some of the delegates are realizing, just how
2 strict the rules are in relation to good standing
3 and participation in the Division.

4 We were trying to include members
5 who had been excluded by those two specifics:
6 either the legislation or a forcing provision of
7 their collective agreement. But there was still a
8 direct tie.

9 That's all we were trying to do.

10 What I'm hearing is that the
11 Delegate -- as a group, what I'm hearing is that
12 there is this assumption that we want to include
13 everybody.

14 But don't forget, there are those
15 basic rules that entitle you to attend meetings,
16 run for office, be elected. Don't lose sight of
17 what those are.

18 DELEGATE SINGER: So if we move
19 this amendment and if they are not paying dues as
20 TCRC members, they still would be excluded from
21 attending our meetings.

22 CHRIS SMITH, SPECIAL ADVISOR, TCRC
23 BYLAWS COMMITTEE: How could they not be?

24 And one step further to what we
25 have said. Management of any sort is out,

1 regardless. They don't even have that option.

2 DELEGATE SINGER: Thank you. That
3 was the clarification.

4 CHRIS SMITH, SPECIAL ADVISOR, TCRC
5 BYLAWS COMMITTEE: These entitlements are very
6 narrow. And if we keep that in mind, then this
7 comes into focus a little better, I think.

8 DELEGATE SINGER: Okay.

9 PRESIDENT SHEWCHUK: All right,
10 thank you.

11 Any further discussion on the
12 amendment, which is the last line of the note?

13 Microphone 3.

14 DELEGATE RUTZKI: Chad Rutzki,
15 Division 896, Regina CTY.

16 Correct me if I'm wrong here, but
17 it says here this is just for qualification of
18 office. It doesn't have anybody like attending
19 meetings or nothing. It just says qualification
20 for office.

21 So are we going away from a bunch
22 of things here, like holding a position in the
23 office?

24 And then we are talking about
25 people that are laid off. Can they attend

1 meetings or not? If they are not holding
2 office...

3 --- Off microphone

4 PRESIDENT SHEWCHUK: Any further
5 discussion on the amendment only? Just on the
6 amendment.

7 Could we have it back on the
8 screen, please.

9 Could we have screen No. 3, and we
10 will vote on the amendment to the motion: Motion
11 to accept the amendment to the motion.

12 Please vote.

13 --- VOTING

14 RESULTS ARE: 60 in favour; 86 against
15 DEFEATED

16 PRESIDENT SHEWCHUK: Now we go
17 back to the original motion -- or resolution.

18 Could we put that back up, Line.

19 --- Pause

20 PRESIDENT SHEWCHUK: Did that
21 incorporate the amendment made by -- it doesn't.
22 That's what I thought.

23 We have to go back, Line, to the
24 motion with the amendment that was passed, which
25 was just prior to the one we had.

1 Two amendments have been passed,
2 yes, but the last one prior to this one.

3 Is that the correct one? Okay.

4 So now we are discussing this
5 motion. The amendment is passed so we are back at
6 this point for discussion.

7 Microphone 1.

8 DELEGATE HAMEL: Mark Hamel,
9 Chapleau, Ontario, Locomotive Engineers.

10 I think I was the one that started
11 all this ball of wax going with those three little
12 words.

13 And I agree with Brother Wray from
14 North Toronto. I think we need to scrap
15 everything, including the Bylaws Committee's
16 recommendation and we need to keep those words in
17 red, which is present law.

18 Thank you.

19 --- Applause

20 PRESIDENT SHEWCHUK: Microphone
21 No. 2.

22 DELEGATE EDWARDS, 657: Greg
23 Edwards, Division 657, Locomotive Engineers.

24 I move that we table this issue.

25 PRESIDENT SHEWCHUK: Is there a

1 seconder?

2 DELEGATE JOHNSON: Mike Johnson,
3 796, Edmonton.

4 I second the motion.

5 PRESIDENT SHEWCHUK: Motion to
6 table.

7 Apparently no discussion or no
8 debate.

9 The vote on motion to table, which
10 was seconded.

11 Point of order. Microphone No. 3.

12 DELEGATE SINGER: We discussed a
13 lot of stuff. What are we tabling?

14 PRESIDENT SHEWCHUK: The tabling
15 is what you see on the screen. That's what you
16 are tabling.

17 DELEGATE SINGER: Just one item of
18 business or all the business that has been
19 conducted on this resolution?

20 PRESIDENT SHEWCHUK: Everything.
21 All of it is being tabled.

22 DELEGATE SINGER: Thank you.

23 PRESIDENT SHEWCHUK: If somebody
24 wants to bring it off the table, they will have to
25 make a motion to bring it back off the table at

1 some point during the session.

2 So a motion to table.

3 Could we have screen -- microphone
4 1; sorry.

5 DELEGATE WELTER: Thank you.

6 David Welter, 132, Engineer.

7 I was here before the gentleman's
8 motion.

9 I am kind of getting confused and
10 I kind of believe it's a lot of the newer people.

11 It's already in the Bylaws as
12 written, and I can't see any reason to change
13 this. If I'm laid off from the railroad and go to
14 another industry that's not covered, it has no
15 effect on the railroad. I should be able to take
16 any job there. I have to support my family.

17 And according to qualifications,
18 as long as I keep my dues current, I'm qualified
19 for all this stuff anyway in the TRC or TCRC.

20 Thank you.

21 PRESIDENT SHEWCHUK: Thank you.

22 --- Applause

23 PRESIDENT SHEWCHUK: Okay. Could
24 we have slide No. 10.

25 Motion to table. Please vote now.

1 --- VOTING

2 RESULTS ARE: 109 in favour; 45 against
3 TABLED

4 PRESIDENT SHEWCHUK: At this
5 point, we will recess for our break, ten minutes.

6 Thank you.

7 --- Upon recessing at 1058

8 --- Upon resuming at 1117

9 PRESIDENT SHEWCHUK: Thank you.

10 Is everybody in the room? Enough,
11 okay.

12 Before we get started with the
13 next resolution I just wanted to read an email
14 that was received in regard to the donations, the
15 generous donations this morning. It's:

16 "Dear everyone,

17 Thank you all for your

18 support. It has meant a

19 great deal to my family.

20 Today is the big day. My

21 little baby goes for her

22 surgery this afternoon. I am

23 sure she will be fine. In a

24 few days when my little

25 sweetheart is out of

1 intensive care, I will send
2 an update.
3 Please pray for her, and
4 thank-you again for keeping
5 us in your thoughts.
6 Scott, Shannon, Cade and
7 Sariah."

8 --- Applause

9 PRESIDENT SHEWCHUK: At this point
10 there were some questions on the break in regards
11 to a motion that is tabled.

12 Just so everybody has a clear
13 understanding, I will ask Jim if you would provide
14 just some clarification on what happens; how the
15 process evolves.

16 PARLIAMENTARIAN SHIELDS: Once
17 there is a motion to table and that motion is
18 seconded and passed, that resolution simply goes
19 away until somebody brings a motion to bring it
20 back. The result is that is that whatever the
21 present law is; remains as is.

22 So in that last motion --

23 --- Applause

24 PARLIAMENTARIAN SHIELDS: So all
25 the great debate on that last motion, with the

1 tabling of it you simply go back to exactly what
2 the law was before you started debating on those
3 resolutions.

4 PRESIDENT SHEWCHUK: Okay, great.
5 Thank you very much.

6 We were pretty late in the morning
7 session so I'm just going to suggest that maybe we
8 do one more recommendation from the Bylaws
9 Committee and then we will take a lunch break.

10 Brother Butch...?

11 Microphone 3.

12 DELEGATE ESSERY: Kari Essery,
13 Division 954, Calgary RTCs.

14 You can withdraw the next
15 resolution.

16 --- Laughter

17 PRESIDENT SHEWCHUK: Thank you.
18 Thank you very much.

19 Submission withdrawn by Division
20 954.

21 RESOLUTION WITHDRAWN

22 PRESIDENT SHEWCHUK: Just a
23 general overview, the next one looks like it's a
24 housekeeping type of issue. I will ask Brother
25 Butch to move to the next one.

1 DELEGATE BAILLIE: Yeah, the one
2 contained on page 55 is housekeeping and relates
3 to the main motion contained on page 61.

4 So if we want to go to page 61?
5 It deals with division rule section 5, elections
6 triannually.

7 Your Bylaws Committee
8 recommendation: The resolution submitted by
9 Division 258 and Division 381 would extend the
10 term of the division officers from three to four
11 years. The Bylaws Committee has carefully
12 considered the resolution but can see no real
13 benefit in changing the term simply to be in line
14 with the TCRC national officers.

15 The three-year term of divisions'
16 officers has endured the test of time with no
17 problems or controversy. Absent a compelling
18 reason to change, the Bylaws Committee feels
19 divisions will be best served by retaining the
20 present three year term.

21 Your Bylaws Committee recommends
22 to reject the resolutions submitted by Division
23 258 and Division 381 and to retain present law.

24 I so move.

25 PRESIDENT SHEWCHUK: Microphone 2.

1 DELEGATE EDWARDS, Div. 657: Greg
2 Edwards, Division 657, Locomotive Engineers.

3 I would like to speak against the
4 Committee recommendation on this one. In our
5 bylaws we have the ability for general committees
6 to go to four years. Many have done so. There is
7 the ability for the provincial legislative boards
8 to go to four years. Most of them have done so.

9 The national office is on four
10 years and the only place that is required and
11 cannot change is at the division level at three
12 years.

13 With all of the other bodies that
14 have gone to four years what we have now is a
15 scenario where people get elected at a division
16 and never get an opportunity to do their job.
17 They are a delegate to this Rail Conference and
18 they can serve out a full term and never do it.

19 They can be elected as a local
20 chairperson or chairman or whatever you are going
21 to change the new name to. And they can serve out
22 a full term and never once go to a general
23 committee if their general committee is on a
24 four-year term.

25 Like I say, there are very many

1 different levels and they all have the option of
2 going to four years except the division. The
3 divisions are tied and they need to be able to go
4 to four years.

5 The division level are the most
6 important positions in this union and if we are
7 electing people to a term and never having given
8 them the ability to go to a general committee and
9 have their input there, have their education
10 there, have all of that, we are really letting
11 down the people at the division.

12 If we don't move the divisions to
13 four years then we are really not serving and we
14 are not properly giving the due to the people that
15 are elected at the division.

16 So I urge the delegates to vote
17 against the Committee recommendation.

18 PRESIDENT SHEWCHUK: Thank you.

19 --- Applause

20 PRESIDENT SHEWCHUK: Microphone 2.

21 DELEGATE BRUNET: Benoit Brunet,
22 258, Locomotive Engineers.

23 I would like to speak against the
24 recommendation.

25 Basically, we should add to this

1 issue that there is also a cost issue. We train
2 our people, for instance the president,
3 secretary-treasurer and those people. It takes an
4 awful lot of time to do all this and I think it's
5 all related.

6 I think it's time to go that
7 route. So I urge you guys to reject -- am I
8 right -- reject the recommendation and vote in
9 favour of the original proposal.

10 --- Applause

11 PRESIDENT SHEWCHUK: Thank you.
12 Number 1.

13 DELEGATE SMITH: Rob Smith,
14 Division 381, Locomotive Engineers, Smith Falls.

15 I would also like to have the
16 delegates reject the recommendation from the
17 Bylaws Committee.

18 I feel like four years is a good
19 length of time for any committee or any division,
20 rather, to basically have their local -- their
21 executive settled in. It is in line with the
22 convention here. I think that's very important.

23 Thank you very much.

24 PRESIDENT SHEWCHUK: Thank you.
25 Microphone 3.

1 DELEGATE ASHLEY: Don Ashley,
2 Division 529, Locomotive Engineer, Hamilton.

3 I would also like to speak against
4 this recommendation. We made a commitment here to
5 promote training and education and the training
6 and education, the way it's been setup, deals with
7 the needs of the membership.

8 So by going to -- by staying at
9 three years and not going to four, we are limiting
10 opportunities to provide training and education at
11 the higher levels of training and education if we
12 have to meet the demands of training new people
13 every three years.

14 So I'm against this recommendation
15 so that we can expand on our training project.

16 PRESIDENT SHEWCHUK: Thank you.
17 Microphone 2.

18 DELEGATE LEONARD: Mike Leonard,
19 852.

20 I just want to get something
21 clarified for the ones that were voted in last
22 year in the divisions. To expand their term right
23 in the middle of their term is that legal, from
24 three to four years?

25 PRESIDENT SHEWCHUK: That's your

1 choice.

2 DELEGATE LEONARD: It's not my
3 choice. It's --

4 PRESIDENT SHEWCHUK: It's the
5 delegate's choice if -- to be effective
6 immediately which would extend the terms, extend
7 the term of the office.

8 Microphone 2.

9 DELEGATE BRUNET: Yeah, Brunet,
10 258.

11 Just to clarify, the GCA they do
12 it the same way. They come to a committee meeting
13 and they make the decision to extend. So I think
14 it would be the same thing for us here.

15 PRESIDENT SHEWCHUK: Right.

16 DELEGATE UNKNOWN: (Off
17 microphone)

18 PRESIDENT SHEWCHUK: Come to the
19 mike, please.

20 Microphone 1.

21 DELEGATE SAUNDERS: Dustin
22 Saunders, Division 945 in Vancouver.

23 I would like to call a question.

24 PRESIDENT SHEWCHUK: Call a
25 question. Do we have a seconder?

1 Microphone 1.

2 DELEGATE SMITH: Rob Smith,
3 Division 381.

4 I will second that motion.

5 PRESIDENT SHEWCHUK: The point
6 just brought up is we need two-thirds majority to
7 call a question. There is nobody at the
8 microphone debating. If you withdraw the call for
9 the question we can just vote on the motion
10 without going through the two-thirds majority if
11 that was -- Microphone 1.

12 DELEGATE SAUNDERS: Dustin
13 Saunders, Division 945, Vancouver.

14 I withdraw the request.

15 PRESIDENT SHEWCHUK: Yes, thank
16 you. Thank you.

17 Let's put up Slide No. 2.

18 To accept the Bylaws Committee
19 recommendation please vote now.

20 --- VOTING

21 RESULTS ARE: 12 in favour; 145 against

22 DEFEATED

23 PRESIDENT SHEWCHUK: The Bylaws
24 Committee recommendation fails.

25 --- Pause

1 PRESIDENT SHEWCHUK: Yeah.

2 Microphone 2.

3 DELEGATE EDWARDS, Div. 657: Greg
4 Edwards, Division 657.

5 I would like to move that we
6 debate and pass the resolution passed by Division
7 381.

8 PRESIDENT SHEWCHUK: Right, okay.
9 Yeah, that's where we were going, Greg.

10 I was just checking to make sure
11 we didn't have to have a motion off the floor to
12 bring that back. But we don't. Under this,
13 according to Jim and according to this, it
14 automatically comes back, the first one in order,
15 and that's --

16 --- Off record discussion

17 PRESIDENT SHEWCHUK: Okay. You
18 are doing it the right way, Greg.

19 You have to bring the motion up on
20 381, a seconder, and then we will open debate on
21 that. So all we need is a seconder on that.

22 DELEGATE VESTROCY: Mike Vestrocy,
23 Division 70, Toronto, Conductors.

24 I second that motion.

25 PRESIDENT SHEWCHUK: Okay, thank

1 you.

2 So we are open for discussion on
3 the resolution submitted by Division 381.

4 Microphone 2.

5 DELEGATE EDWARDS, Div. 657: Greg
6 Edwards, Division 657, Locomotive Engineers.

7 I would like to propose an
8 amendment to the resolution by Division 381.

9 PRESIDENT SHEWCHUK: Okay. Do you
10 have it written out, Greg, or is it very simple?

11 DELEGATE EDWARDS, Div. 657: No,
12 but I don't think it's complicated.

13 PRESIDENT SHEWCHUK: Okay.

14 DELEGATE EDWARDS, Div. 657: I
15 would just like to make an amendment that this
16 motion if passed will become effective
17 immediately.

18 PRESIDENT SHEWCHUK: Okay. Do you
19 have a seconder?

20 DELEGATE NIJJAR: Gordon Nijjar,
21 Division 320, Vancouver, CTY.

22 I would like to second that
23 motion.

24 PRESIDENT SHEWCHUK: Thank you.
25 Line, could we add those words to

1 the end of the resolution by 381, "to be effective
2 immediately"?

3 Microphone 2.

4 DELEGATE EDWARDS, Div. 657: Greg
5 Edwards, Division 657.

6 I would just like to explain why I
7 think it's important that we put it in
8 immediately. I know that we have people who are
9 elected to three year terms and we are talking
10 about extending their terms.

11 But part of the reason it's put in
12 the various resolutions on the four year terms of
13 the divisions was that it will line up with the
14 convention. And if we don't make it effective
15 immediately it won't line up the way it does right
16 now.

17 That's the reason why I'm asking
18 for this amendment.

19 PRESIDENT SHEWCHUK: Thank you.

20 --- Pause

21 PRESIDENT SHEWCHUK: Okay, while
22 Line adds that up is there any further debate on
23 the amendment "to be effective immediately" I
24 believe the words were?

25 --- Pause

1 PRESIDENT SHEWCHUK: Is there any
2 difficulty with conducting the vote before we see
3 the words?

4 Okay. The words would be "to be
5 effective immediately". Oh, there they are.
6 Okay, great.

7 No further debate. Let's have
8 Slide No. 3, amendment to the motion.

9 Please vote now.

10 RESULTS ARE: 158 in favour, 3 against

11 CARRIED

12 PRESIDENT SHEWCHUK: So now we
13 would vote on or debate the motion as amended,
14 which is as you see it on the screen.

15 Seeing no delegates at the mike,
16 could we have Slide No. 5 or, sorry, No. 4?

17 Motion to accept the motion as
18 amended. Please vote now.

19 RESULTS ARE: 152 in favour, 7 against

20 CARRIED

21 PRESIDENT SHEWCHUK: Resolution as
22 submitted by Division 381, as amended, is carried.

23 On that note it is a little past
24 11:30. So I would say we should recess for lunch
25 and be back at 1300 o'clock.

1 Thank you.

2 --- Upon recessing at 1134

3 --- Upon resuming at 1302

4 PRESIDENT SHEWCHUK: Could we take
5 our seats, please?

6 --- Pause

7 PRESIDENT SHEWCHUK: Okay, thank
8 you, Brothers. If we could have Slide 1 on the
9 screen we will have the attendance votes.

10 Please vote now.

11 --- Pause

12 PRESIDENT SHEWCHUK: Okay, 153 --
13 we have one machine not working. If you will go
14 to the back and they will change out the machine
15 with your Smartcard?

16 We have a quorum but we have one
17 machine not working.

18 --- Pause

19 PRESIDENT SHEWCHUK: Okay. We
20 will go back to what we were dealing with just
21 prior to recess for lunch.

22 One thing has come up in review of
23 the proceedings of this morning. If you go back
24 to page 37 of your resolution book we have the
25 Bylaws section 36(c).

1 When we looked at this and we
2 checked it out, there may have been an oversight
3 here in regards to what somebody was going to
4 amend.

5 There was a gentleman -- one of
6 the Brothers had asked for an amendment. Now, our
7 recollection in trying to review this, even though
8 the Bylaws recommendation passed 86 to 72, there
9 wasn't an opportunity to debate the amendment that
10 was going to be proposed.

11 So to be fair and equitable to the
12 Brother that wanted to make that amendment and
13 have it discussed, it would be appropriate if
14 somebody would come up and ask for a motion to
15 reconsider that particular resolution. Then we
16 could have a vote, two-thirds majority to open up
17 the discussion and debate on that particular
18 submission again and have the Brother that wanted
19 to make the amendment to have fair opportunity to
20 present his case on the change.

21 So if somebody wanted to make that
22 motion for reconsideration?

23 Microphone 2.

24 DELEGATE MacPHERSON: George
25 MacPherson, Division 660, Operating.

1 I would like to make a motion to
2 reconsider Bylaw section 36(c), page 19.

3 PRESIDENT SHEWCHUK: Or page 37?

4 DELEGATE MacPHERSON: Page 37.

5 PRESIDENT SHEWCHUK: Okay, great.

6 Thank you.

7 Did you vote for the majority on
8 that, Brother George?

9 DELEGATE MacPHERSON: I did.

10 PRESIDENT SHEWCHUK: Okay, thank
11 you.

12 Microphone 3.

13 DELEGATE SWALES: Dave Swales,
14 Division 900, Locomotive Engineers.

15 I second the motion.

16 PRESIDENT SHEWCHUK: Okay, great.

17 Thank you.

18 Motion to reconsider. Can we have
19 Slide No. 13?

20 So motion to reconsider;
21 two-thirds majority are required to reconsider
22 that resolution.

23 Please vote now.

24 RESULTS ARE: 109 in favour; 49 against

25 CARRIED

1 PRESIDENT SHEWCHUK: The
2 two-thirds majority is 107. So the motion to
3 reconsider is passed.

4 Now, at this point -- and I can't
5 recall the Brother that put this motion forward
6 but it was the change in the words from "newly"
7 to, quote, "any". That was the proposal on the
8 amendment.

9 If that Brother is available and
10 wanted to make that amendment at this point and
11 have it consider would be appropriate.

12 Microphone 1.

13 DELEGATE SCARROW: Yeah, Mike
14 Scarrow, Division 159, representing Conductors.

15 I would like to make that
16 amendment to make the change from "newly" to "any"
17 at this time.

18 PRESIDENT SHEWCHUK: Great.

19 And a seconder?

20 DELEGATE SMALL: Rick Small, 583
21 Winnipeg, Locomotive Engineers.

22 I would like to second that.

23 PRESIDENT SHEWCHUK: Great, thank
24 you.

25 I'm not sure, Line, do you have

1 that available so you can put it on the screen for
2 us?

3 Okay, open for discussion. The
4 "newly" is removed and "any" is inserted.

5 Microphone 1.

6 DELEGATE SCARROW: Yeah, Mike
7 Scarrow, Division 159, Conductors.

8 The reason I wanted to put the
9 word "any" in there is for the organized units
10 that we have out there now regarding short lines
11 in certain crafts within the commuter units, it
12 would be nice for them to get their say in so that
13 their dues could reflect their wages.

14 Some of them are pretty high and a
15 lot of them are making substantially less than
16 what class one railroads are making.

17 PRESIDENT SHEWCHUK: Okay, thank
18 you.

19 Microphone 3.

20 DELEGATE SAUTER-HASULO: Laura
21 Sauter-Hasulo, Division 390, Conductors.

22 I have more than one railway in my
23 division and at the Essex Terminal some of the
24 members are only making \$16 an hour so it's a
25 pretty harsh burden to pay the dues that the

1 people that make the money that we make pay.

2 So I support it.

3 PRESIDENT SHEWCHUK: Thank you.

4 Microphone 1.

5 DELEGATE HAMEL: Mark Hamel,

6 Division 319, Chapleau.

7 I'm from a class one railway and I

8 support this to keep the short line people in.

9 PRESIDENT SHEWCHUK: Thank you.

10 --- Applause

11 PRESIDENT SHEWCHUK: Microphone 2.

12 DELEGATE MacPHERSON: George

13 MacPherson, Division 660.

14 I also would like to support the

15 amendment. We have approximately 40 percent of

16 our membership make under \$20 an hour. There

17 needs to be some fluctuation in adjustment in dues

18 at some level.

19 Thank you.

20 PRESIDENT SHEWCHUK: Thank you.

21 Microphone 3.

22 DELEGATE WHITE: Steve White,

23 Local 159, Engineers.

24 I also support this not only for

25 the short lines, but I believe it gives everybody

1 equal opportunity to fight for what they feel is
2 right for their own dues.

3 PRESIDENT SHEWCHUK: All right.
4 Great, thank you.

5 Any other discussion? Okay.

6 So no further delegates to the
7 microphone, we will go to Slide 3, accept the
8 amendment to the motion.

9 Accept the amendment to the
10 motion. Please vote now.

11 --- VOTING

12 RESULTS ARE: 144 in favour; 13 against

13 CARRIED

14 --- Applause

15 PRESIDENT SHEWCHUK: The motion is
16 carried on the amendment.

17 Now, we will vote on the motion as
18 amended. So if we can go to the votes I'm sure
19 you -- unless you want to see it in writing?

20 DELEGATE UNKNOWN: (Off
21 microphone)

22 PRESIDENT SHEWCHUK: Sure, yeah.
23 Absolutely, sorry about that.

24 Microphone 2.

25 DELEGATE LEONARD: Mike Leonard,

1 852.

2 I'm just reading what it says in
3 here and we are giving the Executive Board all
4 kinds of power to decide -- you know, to decide
5 who is going to get lower amounts. There is no
6 recourse in it. It's just the Executive Board can
7 decide and they can pick who they want to who can
8 get lower rates at any time, according to what is
9 written here.

10 There is no -- you can't grieve it
11 if you get denied because they think your local,
12 your Executive Board thinks your local is getting
13 too much money, if your division is getting too
14 much money from its members and then there is no
15 way to grieve it.

16 So this is giving a lot of power
17 to the Executive Board for this one, although I do
18 support it but not in the way it's written. There
19 is too much power; too much power.

20 PRESIDENT SHEWCHUK: Microphone 3.

21 DELEGATE SINGER: Al Singer,
22 Division 563, Cranbrook, B.C., Locomotive
23 Engineers.

24 I too support the resolution as
25 amended but I have the same concerns as the

1 previous Brother. We need some kind of a formula
2 to instruct the members when this occurs or
3 something like that.

4 I absolutely agree with the
5 principle but there has to be some transparency to
6 the process so people can see the reasons why we
7 did it, why those decisions were taken and why the
8 adjustments that were allowed were allowed.

9 So however we deal with that as a
10 process, as a body, I would urge us that that's
11 where we have to get to.

12 PRESIDENT SHEWCHUK: Thank you.

13 Microphone 1.

14 DELEGATE HAMEL: Mark Hamel,
15 Division 319, Chapleau.

16 I have no problems with giving the
17 Executive Board this power because this is why
18 they are elected as an executive board.

19 They are not just going to go to
20 some division and say, "Okay, lower your dues".
21 They are going to ask for your financial
22 statements, your treasurer's report to make sure
23 that you are going to be financially secure. And
24 if you are not financially secure then they are
25 going to lower the dues on some of the short

1 lines.

2 We have got to keep them in so
3 let's keep them happy.

4 --- Applause

5 PRESIDENT SHEWCHUK: Microphone 2.
6 DELEGATE PERESTRELO: Cesar
7 Perestrello, 111, Conductors.
8 Could we see the motion on the
9 screens?

10 PRESIDENT SHEWCHUK: Okay, sure.
11 DELEGATE PERESTRELO: Thank you
12 very much.

13 PRESIDENT SHEWCHUK: Line, could
14 you put the motion on the screen? Thank you.

15 --- Pause

16 PRESIDENT SHEWCHUK: Any further
17 discussion?
18 Being none, could we have Slide
19 No. 4, please? And it'll be the motion as
20 amended.
21 Motion to accept the motion as
22 amended. Please vote now.

23 --- VOTING
24 RESULTS ARE: 141 in favour; 17 against.
25 CARRIED

1 PRESIDENT SHEWCHUK: I appreciate
2 the time. We'll go back to the next order of
3 business from the Bylaws Committee, Butch.

4 BYLAWS COMMITTEE, BUTCH BAILLIE:
5 Okay. What we're dealing with next is page 55.

6 PRESIDENT SHEWCHUK: Oh, sorry.
7 Microphone 3.

8 DELEGATE TIM VERGE: Thank you.
9 Tim Verge, Division 469, Ottawa.

10 I'd like to propose a motion to
11 reconsider our last order of business before the
12 break on page 61, Section 5, page 25, the --
13 extending our term to four years.

14 I voted in favour of this.

15 PRESIDENT SHEWCHUK: You voted in
16 the affirmative? Okay.

17 A motion to reconsider. Do we
18 have a seconder?

19 Microphone 3.

20 DELEGATE DAVE SWALES: Dave
21 Swales, Division 900, Locomotive Engineers.

22 I second the motion.

23 PRESIDENT SHEWCHUK: Thank you.

24 Under a motion to reconsider, as
25 you know, we need two-thirds majority. So if we

1 could have Slide -- there we are.

2 Motion to reconsider page 62, 61.

3 Please vote now.

4 RESULTS ARE: 27 in favour; 134 against.

5 DEFEATED

6 PRESIDENT SHEWCHUK: Back to
7 Brother Butch.

8 Oh, sorry. Microphone 1.

9 DELEGATE GUY LAPOINTE: Guy
10 Lapointe, Division 960, Montreal.

11 I got a question to reconsider.
12 In the book it said it's majority of vote, and on
13 the card it said two-thirds, so maybe I'm reading
14 it wrong, or -- have you got the page 60 there in
15 the book adopt by majority of vote and on the card
16 says two-thirds here.

17 PRESIDENT SHEWCHUK: Go ahead,
18 Jim. I'll let Jim respond to that.

19 PARLIAMENTARIAN JIM SHIELDS: The
20 custom in Canada is to go by the two-thirds vote,
21 which is what we're following for this Convention.

22 DELEGATE LAPOINTE: We go with
23 that.

24 PARLIAMENTARIAN JIM SHIELDS:
25 Yeah.

1 DELEGATE LAPOINTE: Thank you.

2 PRESIDENT SHEWCHUK: Thank you.

3 Brother Butch.

4 BYLAWS COMMITTEE, BUTCH BAILLIE:

5 We'll turn to page 55. And 55 is a housekeeping
6 issue in relation to the item we dealt with on 61
7 that deals with Section 3(a), Terms of Office.

8 The Bylaws Committee
9 recommendation. The Resolution submitted by
10 Division 258 and Division 381 are housekeeping
11 items related to the Resolutions to extend the
12 term of Division office from three to four years.

13 Your Bylaws Committee recommends
14 to reject the Resolution submitted by Division 258
15 and Division 381 and to retain present law. I so
16 move.

17 PRESIDENT SHEWCHUK: Do we have
18 any discussion?

19 Could we have Slide 2, please?

20 Oh, sorry. Sorry, Mark. You were right over the
21 lights.

22 Microphone 1.

23 DELEGATE MARK HAMEL: Mark Hamel,
24 Division 319.

25 I recommend that we reject the

1 Resolution for the simple fact that we've already
2 passed that it will be four years, so the Delegate
3 and the -- I lost my train of thought here.

4 It's all got to be on the same.
5 It's all got to be quadrennial, so we need to
6 reject this Resolution.

7 PRESIDENT SHEWCHUK: Any further
8 discussion?

9 Slide No. 2. Motion to accept the
10 Bylaw Committee recommendation. Please --

11 DELEGATE AL SINGER: (Off mike)

12 PRESIDENT SHEWCHUK: Could you
13 just -- okay. Confusion on what you're voting on.

14 You're voting on the Bylaws
15 recommendation to reject the Resolutions of
16 Division 258 and Division 381 and retain present
17 law.

18 And as Brother Hamel pointed out
19 that you would basically have to reject the
20 recommendation of the Bylaws Committee, as you've
21 already passed the other Resolution as submitted
22 on page 61.

23 And this was just a housekeeping
24 flow from there, so the idea is to reject the
25 Bylaws Committee submission.

1 UNKNOWN SPEAKER: (Off mike)
2 PRESIDENT SHEWCHUK: Right.
3 Is there any further clarification
4 required?
5 Okay. Could we vote now, please?
6 RESULTS ARE: 15 in favour; 142 against
7 DEFEATED
8 PRESIDENT SHEWCHUK: Microphone 2.
9 DELEGATE GREG EDWARDS (657): Greg
10 Edwards, Division 657, Engineers.
11 I'd like to move that we accept
12 the Resolution submitted by Division 381 on page
13 55.
14 PRESIDENT SHEWCHUK: Do we have a
15 second?
16 Microphone 1.
17 DELEGATE ROB SMITH: Rob Smith,
18 Division 381, Locomotive Engineer.
19 I'd like to second that motion.
20 PRESIDENT SHEWCHUK: Thank you.
21 Discussion?
22 Maybe we could have the Resolution
23 submitted by 381 put up on the screen.
24 Open for discussion.
25 So could we have screen number --

1 oh.

2 UNKNOWN PERSON: (Off mike)

3 PRESIDENT SHEWCHUK: Could you
4 come to the mike? Sorry.

5 DELEGATE AL SINGER: Al Singer,
6 Division 563, Grandbrook, BC.

7 Just some clarification 'cause
8 maybe we lost something during lunch.

9 Isn't -- aren't these the
10 Resolutions we dealt with just before lunch?

11 PRESIDENT SHEWCHUK: No. No. Not
12 this one.

13 We dealt with different section.
14 This was to come back to, as it's housekeeping
15 issues related to the one that was passed on page
16 61.

17 DELEGATE SINGER: Okay. So it's
18 related to, but it's not the same Resolution.

19 PRESIDENT SHEWCHUK: Right. It
20 wasn't, wasn't dealt with prior to, prior to
21 lunch.

22 DELEGATE SINGER: Okay. Thank
23 you.

24 PRESIDENT SHEWCHUK: So I think
25 we'd used Screen No. 8, Slide No. 8.

1 Motion to accept the motion from
2 the floor. Please vote now.
3 RESULTS ARE: 149 in favour; eight against
4 CARRIED

5 BYLAWS COMMITTEE, BUTCH BAILLIE:
6 Okay. We have exactly the same situation. It's a
7 housekeeping issue related --

8 PRESIDENT SHEWCHUK: Microphone 2.
9 DELEGATE GREG EDWARDS (657): Greg
10 Edwards, Division 657.

11 I'd like to withdraw the
12 submission on page 59 submitted by Division 657.

13 PRESIDENT SHEWCHUK: Okay.
14 Submission on page 59 withdrawn by Division 657.
15 Thank you.

16 BYLAWS COMMITTEE, BUTCH BAILLIE:
17 So if you go to page 78, it's a housekeeping issue
18 related to the same Resolution on page 61, which
19 was similar to the last Resolution that we dealt
20 with, but I will read the Bylaws Committee
21 recommendation.

22 The Resolution submitted by
23 Division 381 is a housekeeping item related to the
24 Resolution to modify Division Rule Section 3(a)
25 seeking to change the term of Division officers

1 from three to four years.

2 The Bylaws Committee recommends to
3 reject the Resolution submitted by Division 381
4 and to retain present law. I so move.

5 PRESIDENT SHEWCHUK: Microphone 1.

6 DELEGATE ROB SMITH: Rob Smith,
7 Division 381, Locomotive Engineer.

8 I'd like to make a motion to
9 reject the recommendation by the Bylaws Committee.

10 PRESIDENT SHEWCHUK: You're making
11 a motion to reject it, or you're just saying that
12 we should reject it?

13 DELEGATE SMITH: (Off mike)

14 PRESIDENT SHEWCHUK: Thank you.
15 You're saying to reject. Absolutely.

16 Any further debate?

17 Slide No. 2. Please vote on the
18 motion to accept the Bylaw Committee
19 recommendation now.

20 RESULTS ARE: 10 in favour; 149 against
21 DEFEATED

22 PRESIDENT SHEWCHUK: Microphone 1.

23 DELEGATE ROB SMITH: Rob Smith,
24 Division 381, Locomotive Engineer.

25 I'd like to revisit the Resolution

1 by 381.

2 PRESIDENT SHEWCHUK: Are you
3 making a motion to accept the Resolution submitted
4 by 381?

5 DELEGATE SMITH: Yes. That's the
6 motion.

7 PRESIDENT SHEWCHUK: Thank you.
8 Is there a seconder?

9 DELEGATE MURRAY ARMSTRONG: Murray
10 Armstrong, 356.

11 I second the motion.

12 PRESIDENT SHEWCHUK: Thank you.
13 Discussion.

14 Could we have Slide No. 8? To
15 accept a motion from the floor to accept a
16 Resolution submitted by Division 381, please vote
17 now.

18 RESULTS ARE: 145 in favour; 15 against

19 CARRIED

20 BYLAWS COMMITTEE, BUTCH BAILLIE:
21 We'll next go to page 56. That's Division Rule
22 Section 4(a), Regular Meetings.

23 And the Bylaws Committee
24 recommendations. Division meeting dates are fixed
25 in accordance with the Division Rule Section 4(b)

1 and provided -- and provide a specific date and
2 time for each -- to meet each month.

3 This is to provide the maximum
4 amount of regularity surrounding the Division
5 meetings so members can make plans to attend.

6 The Resolutions proposed by
7 Division 764 would remove all regularity and
8 predictability associated with Division meetings.

9 Your Bylaws Committee is concerned
10 that such a change would have an adverse effect on
11 attendance and participation in Division matters.

12 Your Bylaws Committee recommends
13 to reject the Resolution submitted by Division 764
14 and to retain present law. I so move.

15 PRESIDENT SHEWCHUK: Discussion.

16 Could we have Slide 2, please?

17 Motion to accept the Bylaw Committee

18 recommendation. Please vote now.

19 RESULTS ARE: 118 in favour; 41 against

20 CARRIED

21 BYLAWS COMMITTEE, BUTCH BAILLIE:

22 Okay. Located on page 57, Division Rules Section
23 4(e), Regular Meetings.

24 The Bylaws Committee

25 recommendation. Presently, committees required

1 within the Division are appointed by the Division
2 President in accordance with Division Rule Section
3 11(a).

4 Having the membership appoint
5 committees is not even possible unless the entire
6 membership of the Division is in agreement on who
7 should be appointed. Absent a unanimous
8 endorsement by the membership, it would be
9 impossible for the members, as a group, to make an
10 appointment.

11 Committees within each Division
12 are required at various times for various reasons.
13 Some committees are active continually, while
14 others are established on an ad hoc basis to
15 address specific issues or situations.

16 The majority of Divisions are able
17 to establish the committees they require without
18 controversy through the present statute.

19 Your Bylaws Committee recommends
20 to reject the Resolution submitted by Division 240
21 and to retain present law. I so move.

22 PRESIDENT SHEWCHUK: Microphone 1.

23 DELEGATE RENE CHAPUT: Rene
24 Chaput, Division 240.

25 All we're trying to do is have the

1 membership decide who's going to be on these
2 committees and not just the President because
3 we've had a President withdraw people from
4 committees for no reason, so we're asking that you
5 accept the Resolution from 240 to allow the
6 membership to decide who's going to be on
7 committees as they see fit.

8 PRESIDENT SHEWCHUK: Thank you.
9 Microphone 1.

10 DELEGATE CHARLES INGLES: Charles
11 Ingles, 240, Tail End.

12 We did. We had a President with
13 delusions of grandeur and he decided that he
14 didn't like what the committee was doing. He
15 disbanded the committee, made his own committee
16 and went against the wishes of the members.

17 If it's a true democracy, we
18 should be able to choose our own committee.

19 Thank you.

20 PRESIDENT SHEWCHUK: Thank you.

21 DELEGATE INGLES: If we were to go
22 on strike next week and we want a phone committee,
23 we can't create one without a President. How
24 could we do it? We can't, so we couldn't even
25 inform our members.

1 So whoever shows up at the meeting
2 will decide, I guess.

3 Thank you.

4 PRESIDENT SHEWCHUK: Thank you.

5 Microphone 1.

6 DELEGATE MARK HAMEL: Mark Hamel,
7 319, Chapeleau, Locomotive Engineers.

8 I agree with the Bylaw Committee.
9 The President is a very important position in your
10 Division and that's why you need to be careful on
11 who runs and who you vote for in that position.

12 He appoints all committee members,
13 and if you're having problems with a specific
14 President, then maybe you need to talk with
15 someone else and find out how you can get rid of
16 him.

17 PRESIDENT SHEWCHUK: Thank you.

18 Any further discussion?

19 Could we have Screen No. 2,
20 please? Motion to accept the Bylaw Committee
21 recommendation. Please vote now.

22 RESULTS ARE: 131 in favour; 29 against

23 CARRIED

24 BYLAWS COMMITTEE, BUTCH BAILLIE:
25 We got a related Resolution on page 70, if we'll

1 go there next. And it is Division Rule Section
2 11(a), President's Duties.

3 The Bylaws Committee
4 recommendation. This Resolution is a housekeeping
5 item required if the Resolution submitted by
6 Division 240 is -- by Division 240 to create a new
7 Division Rule Section 4(e) is accepted.

8 Your Bylaws Committee recommends
9 to reject the Resolution submitted by Division 240
10 and to retain present law. I so move.

11 PRESIDENT SHEWCHUK: Discussion.
12 Screen No. 2, please. Motion to
13 accept the Bylaw Committee recommendation. Please
14 vote now.

15 RESULTS ARE: 148 in favour; 11 against
16 CARRIED

17 BYLAWS COMMITTEE, BUTCH BAILLIE:
18 Okay. We'll go back to page 58. This is the
19 Division Rule Section 5, Elections Tri-annually.

20 The Bylaws Committee
21 recommendation. Reproducing the text related to
22 the civic law in the TCRC bylaws is unnecessary.
23 The law would apply whether provided for in our
24 bylaws or not.

25 The Bylaws Committee agrees that

1 the text is unnecessary. The Bylaws Committee
2 recommends to accept the Resolution submitted by
3 the CTRC President. I so move.

4 PRESIDENT SHEWCHUK: Discussion?
5 Microphone 2.

6 DELEGATE BENOIT BRUNET: 258.

7 Based on what we just passed, we
8 would have to amend this one to show four years
9 again? If we accept to take off the other part,
10 should the first part show four years instead of
11 three?

12 So should we propose an amendment
13 to reflect quadrennial election in four years?

14 Yeah. I'd like to recommend to --

15 PRESIDENT SHEWCHUK: Before we get
16 there, Brother Brunet, the -- I guess -- and just
17 I stand to be corrected, is we defeat -- no.

18 I'm sorry, Brother Benoit. You
19 want to make an amendment to the motion?

20 I was corrected. You can do that
21 now. And that was to change the three to a four
22 in the -- right. And the word --

23 DELEGATE BENOIT: (Off mike)

24 PRESIDENT SHEWCHUK: -- triennial
25 to quadrennial. Right.

1 DELEGATE BENOIT: That's right.

2 PRESIDENT SHEWCHUK: Right. Line,
3 have you got that available to make the change for
4 us?

5 Do we have a seconder?

6 DELEGATE STEPHEN KMIT: 658.

7 I'll second that.

8 PRESIDENT SHEWCHUK: Okay.

9 Second. Thank you.

10 Change the word triennial to
11 quadrennial, Line, please.

12 Oh, sorry. Mike 3.

13 DELEGATE AL SINGER: Al Singer,
14 Division 563, Grandbrook, BC, Locomotive
15 Engineers.

16 Was that not what we did with
17 Resolution on page 61?

18 PRESIDENT SHEWCHUK: Yes, we did.
19 That was -- that change was already made. Thanks
20 for bringing it to our attention.

21 An amendment is not required
22 because that's been passed, so the only thing we
23 rely on is to be able to delete the text that
24 was -- and strike out now. That's the Resolution
25 that was submitted.

1 That was the recommendation of the
2 Bylaws Committee, so that's what we will vote on
3 because the other part of it has already been
4 altered by previous motion.

5 Just bear with us for a moment.

6 --- Pause

7 PRESIDENT SHEWCHUK: Okay. Sorry
8 for the delay. The first response you got, the
9 President one, I actually -- that's what we're
10 voting on, is what you see there.

11 The adjustment to the other
12 language has already been approved by the
13 Delegates. We don't need to revisit that. That
14 has already been done.

15 The change now is to delete the
16 language and the amendment was to change four
17 years and quadrennial in the language that you see
18 on the screen. That is where we are at this point.

19 So if I've missed it -- do we need
20 to -- or I'll open it for debate at this point to
21 see if there's any other discussion on this issue.

22 Microphone 3.

23 DELEGATE DAVE SWALES: Dave
24 Swales, Division 900, Locomotive Engineers.

25 Would you not also have to -- with

1 reference to page 61, there was an amendment,
2 words added to be effective immediately, which
3 passed.

4 Would that wording not also have
5 to show up in this as well?

6 PRESIDENT SHEWCHUK: Brother
7 Swales, we don't have to make that. That's
8 already there under that, from what I -- talking
9 to our Parliamentarian. The previous made that
10 correction and it will influence that submission
11 in Section 5.

12 So we don't need to add the words
13 "immediately" in this section.

14 DELEGATE SWALES: Thank you.

15 PRESIDENT SHEWCHUK: Further
16 debate, discussion?

17 Unfortunately, I've lost track if
18 we're voting on the amendment or the motion as
19 amended.

20 Okay. Where we are right now is
21 we're voting on the Bylaw Committee recommendation
22 to accept the Resolution as you see on the screen.
23 So that would be Slide No. 2.

24 Sorry. Microphone 1. Gord, did
25 you have a question or a comment?

1 DELEGATE GORDON NIJJAR: Yeah.

2 Gordon Nijjar, Division 320, CTY, Vancouver.

3 I'm a little confused. Section 5,
4 Division Rule Section 5, exact same language on
5 page 61, but we've already passed the Resolution
6 submitted by Division 381.

7 And now are you saying we're going
8 to scratch off -- amend this the way you have it
9 on the screen? Now, where we are putting this in
10 our bylaws, in Division -- or in Division Rule
11 Section 5?

12 Are we going to have -- what I'm
13 saying is we already have this and passed, and now
14 you're saying scratch off the second paragraph.

15 PRESIDENT SHEWCHUK: Jim's going
16 to run this by because it's making sure that we've
17 got the right process here, that we're not making
18 an error.

19 PARLIAMENTARIAN JIM SHIELDS: At
20 page 61, the Resolution was to amend, as you can
21 see, the four year provision. That was the
22 subject matter of the debate, and that was the
23 recommendation of the Bylaws Committee, to reject.

24 The motion failed. It was then
25 brought back on and it was passed as we see it in

1 page 61 with the amendment.

2 If you go back to page 58, you're
3 dealing with a different, completely different
4 subject matter, completely different -- a
5 Resolution from the Bylaws Committee -- a
6 recommendation, sorry. And that has to be dealt
7 with.

8 UNKNOWN PERSON: (Off mike)

9 PARLIAMENTARIAN JIM SHIELDS: Can
10 I finish?

11 The effect is -- if we had an
12 automatic rewrite, the effect of it would be that
13 when you actually see Section 5, it will read,
14 depending upon how this is voted, with the
15 quadrennially and four years amended and to be
16 effective immediately added to it. But you have
17 to deal with the Bylaw Committee's recommendation
18 on page 58 because the subject matter is totally
19 different from the subject matter at page 61.

20 PRESIDENT SHEWCHUK: Microphone 3.
21 Gary, you had a point of order?

22 DELEGATE GARY ANDERSON: Gary
23 Anderson, 68, London.

24 So in essence, then, we're
25 debating page 61 to remove that last line.

1 PARLIAMENTARIAN JIM SHIELDS: No,
2 you're debating page 58.

3 DELEGATE ANDERSON: Well, this
4 doesn't exist. It's gone, right? 61 has already
5 changed. This language does not exist.

6 You're going backwards in time.

7 PARLIAMENTARIAN JIM SHIELDS: It's
8 still there.

9 DELEGATE ANDERSON: Just a
10 suggestion to -- as the President, you recommended
11 this. If you withdrew it, save us a lot of time.

12 PRESIDENT SHEWCHUK: Simply put is
13 that the language that you see that's been struck
14 in this submission still remains in the Resolution
15 on page 61. So we changed three to four and
16 quadrennial in 61, but the language that's struck
17 out still remains in there.

18 On my submission, or the
19 President's submission is all we're doing is
20 striking the language that is struck out.

21 The rest, the two highlighted
22 changes, have already been passed. That is the
23 new law.

24 This submission only deals with
25 the deletion of that particular struck-out

1 language, and that's where we are.

2 Microphone 1.

3 DELEGATE JOHN DOHERTY: John
4 Doherty, Division 355, LR.

5 I believe that we voted to reject
6 the Committee's recommendations on page 62 for
7 this paragraph. Then there was an amendment put
8 forward to add the words to it "effective
9 immediately", and that amendment was voted on and
10 passed.

11 Then we went and took a look at
12 the Resolution itself to accept it, and a vote was
13 taken. It was 152 to accept it and seven to
14 defeat it.

15 So we're missing language in this
16 one. This is effective immediately. We've
17 already looked at it.

18 I'd like to move that we table
19 this.

20 PRESIDENT SHEWCHUK: Motion to
21 table.

22 --- Applause

23 PRESIDENT SHEWCHUK: Do we have a
24 seconder?

25 DELEGATE GORDON NIJJAR: Gordon

1 Nijjar, Division 320, CTY.

2 I'll second that motion.

3 PRESIDENT SHEWCHUK: Okay. Could
4 we have Screen No. 10?

5 Please vote now.

6 RESULTS ARE: 106 in favour; 49 against

7 CARRIED

8 PRESIDENT SHEWCHUK: Motion is
9 tabled.

10 BYLAWS COMMITTEE, BUTCH BAILLIE:
11 Okay. We're going to move on to page 63. And
12 it's Division Rule Section 6, Members Qualified to
13 Nominate or Vote.

14 The Bylaws Committee
15 recommendation. As stated in the reasons for
16 change, this proposed Resolution relies on passage
17 of the Resolutions submitted in relation to
18 Division Rule Section 2(d).

19 Your Bylaws Committee recommends
20 to accept the Resolution submitted by the TCRC
21 President.

22 PRESIDENT SHEWCHUK: Microphone 2.

23 DELEGATE GREG EDWARDS (657): Greg
24 Edwards, Division 657, Engineers.

25 In the Bylaws Committee

1 recommendation, it mentions that it's linked to
2 Division Rule Section 2(d).

3 We tabled that particular
4 submission this morning, so I would suggest -- or
5 I'm moving that we table this one as well.

6 PRESIDENT SHEWCHUK: Do we have a
7 seconder?

8 Microphone 1.

9 DELEGATE ROB SMITH: Rob Smith,
10 Division 381, Locomotive Engineers.

11 I'd like to second that motion.

12 PRESIDENT SHEWCHUK: Discussion?

13 Could we have Screen No. 10,
14 please? Motion to table. Please vote now.

15 RESULTS ARE: 144 in favour; 13 against

16 CARRIED

17 PRESIDENT SHEWCHUK: Motion is
18 tabled.

19 BYLAWS COMMITTEE, BUTCH BAILLIE:
20 Page 64, Division Rule Section 7(d), Officers,
21 Nominations of.

22 The Bylaws Committee
23 recommendation. Your Bylaws Committee recommends
24 to accept the Resolution submitted by the TCRC
25 President. I so move.

1 PRESIDENT SHEWCHUK: Discussion?

2 Could we have Slide 2, please?

3 Motion to accept the Bylaw Committee

4 recommendation. Please vote now.

5 RESULTS ARE: 150 in favour; seven against

6 CARRIED

7 BYLAWS COMMITTEE, BUTCH BAILLIE:

8 Page 65, Division Rule Section 8(a), first

9 paragraph, Election, How Conducted.

10 The Bylaws Committee

11 recommendation. Your Bylaws Committee recommends

12 to accept the Resolution submitted by Division

13 162. I so move.

14 PRESIDENT SHEWCHUK: Microphone 1.

15 DELEGATE MARK HAMEL: Mark Hamel,

16 319.

17 The only thing I'm thinking is the

18 dedicated line for write-in votes here. I guess

19 that's in the Teamsters Constitution, not just the

20 TCRC, and that's why we need to keep that wording

21 in there?

22 Is that correct?

23 PRESIDENT SHEWCHUK: Right.

24 DELEGATE HAMEL: Okay. Thank you.

25 PRESIDENT SHEWCHUK: Seeing no

1 other Delegates at the mikes, could we have Slide
2 No. 2, please?

3 Motion to accept the Bylaw
4 Committee recommendation. Please vote now.
5 RESULTS ARE: 152 in favour; four against
6 CARRIED

7 BYLAWS COMMITTEE, BUTCH BAILLIE:
8 Next we'll deal with page 67-68, Division Rules
9 Section 8(a), second paragraph, Election, How
10 Conducted.

11 The Bylaws Committee
12 recommendation: Your Bylaws Committee recommends
13 to accept the resolutions submitted by the TCRC
14 President.

15 I so move.

16 PRESIDENT SHEWCHUK: Discussion?
17 Slide No. 2, please.

18 Please vote now.

19 --- VOTING

20 RESULTS ARE: 155 in favour; 2 against
21 CARRIED

22 BYLAWS COMMITTEE, BUTCH BAILLIE:
23 Page 69, Division Rule Section 10, installation of
24 officers.

25 Bylaws Committee recommendation:

1 Your Bylaws Committee recommends to accept the
2 resolution submitted by the TCRC President.

3 I so move.

4 PRESIDENT SHEWCHUK: Discussion?

5 Could we have slide No. 2, please.

6 Motion to accept the Bylaws
7 Committee recommendation.

8 Please vote now.

9 --- VOTING

10 RESULTS ARE: 154 in favour; 5 against

11 CARRIED

12 BYLAWS COMMITTEE, BUTCH BAILLIE:
13 We dealt previously with page 70, so we will move
14 on to page 71, which is Division Rule Section
15 11(j), President's duty.

16 Bylaws Committee recommendation:
17 Your Bylaws Committee recommends to accept the
18 resolution submitted by the TCRC President.

19 I so move.

20 PRESIDENT SHEWCHUK: Microphone 3.

21 DELEGATE ISAAK: Lyndon Isaak,
22 Division 847, Locomotive Engineers.

23 Brothers and Sisters, I think this
24 circumvents the whole democratic process. If you
25 make a motion at a meeting, you are not allowed to

1 re-introduce for a period of 12 months.

2 Things change over time,
3 especially in 12 months. And a motion that was
4 not accepted six months ago, 12 months later might
5 be a very valid motion.

6 I think we should reject this. I
7 think this should be handled by the Division. If
8 the Division President feels that somebody is
9 bringing up a motion too many times and wasting
10 the Division's time, he can deal with it on a
11 Division level.

12 PRESIDENT SHEWCHUK: Microphone 1.

13 DELEGATE HAMEL: Mark Hamel, 319,
14 Chapleau, Locomotive Engineers.

15 I agree with the Bylaws Committee
16 because I think it's good that you are going to
17 get these repetitive things coming up and this can
18 be dealt with and they will be ruled out of order.

19 And if it has anything to do with
20 a material change in the rules, pay or working
21 conditions, then you can bring it back up. But if
22 it's just something that's frivolous, see you next
23 year.

24 Thanks.

25 PRESIDENT SHEWCHUK: Thank you.

1 Microphone 3.

2 DELEGATE SINGER: Al Singer,
3 Division 563, Cranbrook, B.C., Locomotive
4 Engineers.

5 I'm just wondering if someone
6 could speak to what would happen to a motion to
7 reconsider under this rule.

8 We might have had one or two of
9 those here in the last couple of days.

10 PRESIDENT SHEWCHUK: A motion to
11 reconsider. I guess that wasn't considered as a
12 submission. If you rule me out of order, that's
13 fine. I just want to give you a little history.

14 This was submitted by myself
15 because of the number of issues that have arisen
16 over the last three years in which the President
17 could not stop, and a number of motions were
18 continuously put on the floor at every meeting,
19 every meeting, every meeting. And it was very
20 frustrating at the Division level and to what Mark
21 had said earlier.

22 That was why we did what we did.
23 This was a ruling established by the Executive
24 Board after a lot of investigation into the
25 complaints, and we made that ruling in the

1 interim.

2 But the motion for reconsideration
3 was not discussed.

4 DELEGATE SINGER: I wonder if our
5 Parliamentarian could speak to that from the point
6 of view that we can adopt rules, but we also have
7 a rule that says Robert's Rules of Order are the
8 standing rules of the organization.

9 So again to the Parliamentarian, I
10 guess the question is: What happens to a motion
11 to reconsider if we adopt this rule?

12 PARLIAMENTARIAN JIM SHIELDS: The
13 Robert's Rules would apply to this -- now, would
14 it?

15 Just let me think.

16 --- Laughter

17 PARLIAMENTARIAN JIM SHIELDS: The
18 governing and what sets the jurisdiction is the
19 Constitution. The Robert's Rules would be subject
20 to the Constitution provisions, and this provision
21 would say you can't reconsider for a period of 12
22 months.

23 The only thing the Robert's Rules
24 do is it gives you how you bring a motion to
25 reconsider.

1 But by virtue of the words used
2 here, that motion would be out of order until the
3 12 months is up.

4 That's free advice, and you know
5 what free advice is worth.

6 DELEGATE SINGER: I guess then I
7 will rise to speak against the motion for that
8 reason, and I will use the example that we have
9 had here in the last couple of days: that we have
10 had a number of motions to reconsider, a couple of
11 which have passed. And for that same reason, we
12 shouldn't tie our hands that way.

13 Perhaps if there are other ways of
14 doing that, but I really think we should keep the
15 ability to reconsider decisions we make because
16 sometimes we find out differently later on. And
17 to tie our hands for a year seems like not a good
18 idea.

19 PRESIDENT SHEWCHUK: I will add
20 one comment.

21 In our research when we looked at
22 this, as it says, our Bylaws are silent in that
23 area.

24 The International President, when
25 we were in the BLE, which kind of carried over at

1 the initial stages, it was actually 24 months from
2 the International President at that time. We are
3 not part of the International, but that kind of
4 carried over, the 24-month rule; that you couldn't
5 bring a motion back to a Division meeting for two
6 years.

7 We took that into consideration
8 and said well, if we need something to address the
9 issues being brought forth by a number of
10 Divisions, we said two years is too long; a year
11 is more realistic.

12 And that was some of the
13 rationale, just to give you some idea.

14 Anyway, I will go to microphone 2.

15 DELEGATE EDWARDS, 657: Greg
16 Edwards, Division 657, Locomotive Engineers.

17 I would like to speak in support
18 of the Committee recommendation.

19 I have seen it in my Division. We
20 happen to be one of the Divisions that has had
21 this issue come up.

22 In our case, it's essentially one
23 or two members who just can't take no for an
24 answer from the majority, and they continuously
25 want to vote on something that the members don't

1 support.

2 This would allow the President to
3 point to something in the Bylaws and say you are
4 out of order.

5 Now to the concerns that were
6 raised by Brother Singer and the other Brother who
7 was talking about well, what if things change, I
8 would suggest maybe not a motion to reconsider.
9 But I think if you could get at a Division
10 meeting, make a motion to suspend the rules and
11 consider the question, if you have a majority of
12 the membership in the room that would be agreeable
13 to that, you could deal with it and get around it.

14 But for the real nuisance stuff
15 that doesn't have the support of the members in
16 the room, this would allow the President to just
17 stop it clean.

18 PRESIDENT SHEWCHUK: Microphone 1.

19 DELEGATE WELTER: David Welter,
20 132.

21 I support the Bylaws Committee,
22 but I'm a little bit confused by what Jim just
23 said there.

24 I don't see anywhere in that
25 portion where it says anything about

1 reconsidering. You can vote it down and they
2 can't bring a new motion back for a year, but I
3 don't see anywhere there it says that you can't
4 reconsider it if you get two-thirds of the
5 membership to vote yes, we want to reconsider it.
6 And then it would have to be put off to the
7 following week to vote on it anyway.

8 I'm just a little bit confused
9 there. So please correct me if I have the wrong
10 information in my brain -- because it's not real
11 swift sometimes.

12 PARLIAMENTARIAN JIM SHIELDS: If
13 you look at the resolution, the words that take
14 care of the reconsideration is "will not be
15 allowed to be reintroduced".

16 DELEGATE WELTER: That, to me,
17 means that you are going to bring back exactly the
18 same resolution and put it before the people or
19 the membership.

20 PARLIAMENTARIAN JIM SHIELDS:
21 Right. And you are asking me if you could have a
22 motion to reconsider that same motion.

23 DELEGATE WELTER: That, to me, is
24 a different item.

25 PARLIAMENTARIAN JIM SHIELDS: I

1 disagree.

2 DELEGATE WELTER: Okay.

3 PARLIAMENTARIAN JIM SHIELDS: The
4 way to do it, as was explained previously, if it's
5 really serious you simply suspend the rules and
6 deal with the issue.

7 But technically, I don't think
8 that you can have a motion to reconsider unless
9 it's after the 12-month period.

10 PRESIDENT SHEWCHUK: Thank you,
11 Microphone 3.

12 DELEGATE REDGRIFT: Tom Redgrift,
13 Division 68, CTY.

14 I would have to agree with the
15 Bylaws Committee on this.

16 I think they, when it comes to
17 having your hands tied, have left a pretty
18 significant out for that when they say that change
19 in rules or pay or working conditions. The real
20 serious things, you would be allowed to bring
21 things back to the table. And that makes good
22 sense.

23 I don't see any reason why this
24 isn't a good idea.

25 PRESIDENT SHEWCHUK: Thank you.

1 Microphone 2.

2 DELEGATE ANDERSON: Dale Anderson,
3 896 Engineers.

4 I'm just wondering if we could
5 make an amendment, just change two words in this
6 whole thing.

7 PRESIDENT SHEWCHUK: Are you
8 making an amendment?

9 DELEGATE ANDERSON: I would like
10 to make an amendment that we strike the word
11 "otherwise".

12 In the last sentence strike the
13 word "otherwise" and in the last sentence change
14 the word "must" to "may".

15 PRESIDENT SHEWCHUK: Do we have a
16 seconder for the amendment?

17 DELEGATE SINGER: Al Singer,
18 Division 563, Cranbrook, B.C.

19 I will second the amendment.

20 PRESIDENT SHEWCHUK: Thank you.

21 DELEGATE ANDERSON: Should I take
22 it somewhere?

23 PRESIDENT SHEWCHUK: Yes, if you
24 could give it to the Credentials Committee at the
25 back and Line will have it put in.

1 Microphone 3.

2 DELEGATE POLLON: Dave Pollon,
3 668, Minnedosa Conductors.

4 Just a point of information.

5 Section 31 under the Division
6 Rules, if a member had an issue at the Division
7 level that he wasn't successful with, can he not
8 appeal it through this Section 31 to the Executive
9 Board?

10 Would he be covered or given an
11 opportunity that way to I guess get a ruling on
12 something that he is trying to pursue at the
13 Division?

14 PRESIDENT SHEWCHUK: Yes, he
15 could.

16 DELEGATE POLLON: Okay.

17 PRESIDENT SHEWCHUK: Microphone 2.

18 DELEGATE VESTROCY: Mike Vestrocy,
19 Division 70.

20 I'm not sure how all these
21 meetings go, but you are saying one motion can
22 only presented once in a 12-month period?

23 PRESIDENT SHEWCHUK: Right.

24 DELEGATE VESTROCY: Well, we
25 finish every meeting with a motion to adjourn.

1 --- Laughter

2 PRESIDENT SHEWCHUK: The motion to
3 adjourn is part of your business --

4 DELEGATE VESTROCY: It's still a
5 motion.

6 PRESIDENT SHEWCHUK: Right.

7 --- Pause

8 PRESIDENT SHEWCHUK: Okay. We
9 have the motion on the floor -- or the amendment
10 on the screen, I should say.

11 And that was to delete the word
12 "otherwise" and change the word "must" to "may".

13 Sorry, microphone 3.

14 DELEGATE SINGER: Al Singer,
15 Division 563, Cranbrook, B.C., Locomotive
16 Engineers.

17 I will speak in favour of the
18 amendment.

19 I think giving the President the
20 ability to either rule it out of order or not
21 covers off the circumstance that the Brother
22 brought up, as well as again, you know, we are
23 anticipating that there are people who are
24 frustrating the democratic process by continually
25 bringing motions forward. But we are also tying

1 our own hands to reconsider if we adopt this
2 resolution.

3 By giving the President the
4 opportunity to rule it out of order or not, then
5 we are leaving that door open, should we be the
6 ones that decide we want to reconsider a decision
7 that we have taken.

8 So I would speak in favour of the
9 motion, as amended.

10 PRESIDENT SHEWCHUK: Microphone 1.

11 DELEGATE DOHERTY: John Doherty,
12 Division 355.

13 Aren't we supposed to defeat the
14 Bylaws Committee recommendation first before we
15 make motions? That's what we have done in the
16 past so far, I believe.

17 PRESIDENT SHEWCHUK: But you are
18 accepting --

19 DELEGATE DOHERTY: Well, I've got
20 concerns with this as well, sir.

21 I'm sorry, I didn't mean to
22 interrupt.

23 Why don't we let the Divisions run
24 their own business and if people wish to put
25 motions forward, let them put them forward.

1 We have rules for the motions and
2 how they are to be conducted. Let the Division
3 decide whether they want to hear them. Some of
4 them might be valid.

5 PRESIDENT SHEWCHUK: Thank you.

6 DELEGATE DOHERTY: Thank you.

7 PRESIDENT SHEWCHUK: So what we
8 have here is the amendment, the deletion of the
9 word "otherwise" and the change to the word "may".

10 Do we have any further discussion?

11 Could we have screen 3, please.

12 That's to accept the amendment to the motion.

13 Please vote now.

14 --- VOTING

15 RESULTS ARE: 143 in favour; 14 against

16 CARRIED

17 PRESIDENT SHEWCHUK: Now we go
18 back to the motion, as amended, and discussion on
19 that.

20 Being nobody at the microphones,
21 could we have slide No. 4.

22 Sorry, microphone 3.

23 DELEGATE McNALLY: Roy McNally,
24 Division 715.

25 I understand what we are trying to

1 do here, to keep garbage out of the meetings. But
2 to reintroduce something at a meeting, is 12
3 months maybe not a little bit lengthy?

4 Should a person maybe consider
5 reducing it to six months? At least then if there
6 is a valid concern, members can bring back that
7 concern. And maybe the good old boys' club, per
8 se, would be overruled in six months instead of
9 twelve?

10 PRESIDENT SHEWCHUK: Are you
11 making an amendment?

12 DELEGATE McNALLY: At the moment
13 I'm just discussing it, thinking out loud.

14 PRESIDENT SHEWCHUK: Okay.

15 --- Pause

16 DELEGATE McNALLY: I would like to
17 make an amendment to change the word "twelve" to
18 "six".

19 --- Applause

20 PRESIDENT SHEWCHUK: You thought
21 it out; thank you.

22 Do we have a seconder?

23 Microphone 1.

24 DELEGATE FRIESEN: Chris Friesen,
25 Saskatoon, Division 715.

1 I would like to second that.
2 PRESIDENT SHEWCHUK: Thank you.
3 Line, could you change "12" to
4 "6".
5 Discussion...?
6 Could we have screen No. 4: to
7 accept the motion -- sorry.
8 Line, could you bring it back up
9 again. Okay, that's before we move to the next
10 one.
11 So we need slide 3, please.
12 That's to accept the motion, as
13 amended.
14 Sorry, we're voting on the
15 amendment.
16 Slide 3: accept amendment to the
17 motion.
18 We are voting strictly on the
19 amendment.
20 Please vote now.
21 --- VOTING
22 RESULTS ARE: 114 in favour; 42 against
23 CARRIED
24 PRESIDENT SHEWCHUK: Now we will
25 go back to the motion, as amended, if we could put

1 that up on the screen.

2 Discussion...?

3 Microphone 2.

4 DELEGATE DAVIES: Leonard Davies,
5 654.

6 Does this not contradict itself
7 now? It says "will not be allowed" and then later
8 on it says "may".

9 I mean, if we want to keep going,
10 you have to take that "will not" out.

11 PRESIDENT SHEWCHUK: Are you
12 making an amendment?

13 DELEGATE DAVIES: Well, I would
14 like to make an amendment to change that "will
15 not" to "may", and then hopefully we can carry on.

16 If you will not allow it, then how
17 maybe later can you? Right?

18 PRESIDENT SHEWCHUK: I'm just
19 waiting for a seconder.

20 Microphone 1.

21 DELEGATE NIJJAR: Gordon Nijjar,
22 Division 320, CTY.

23 I will second that.

24 PRESIDENT SHEWCHUK: Second.

25 Discussion...?

1 Microphone 3.

2 DELEGATE REDGRIFT: By doing that,
3 have you not just vetoed the whole thing?

4 I mean, really. It says the
5 President "may not" and then the guy is going to
6 argue well, I disagree with you, so you may not do
7 that.

8 It doesn't make any sense. It
9 made much more sense the other way.

10 PRESIDENT SHEWCHUK: Thank you.
11 Any further discussion?

12 Okay, we are going to have slide
13 3. The amendment to the motion is "will not" to
14 "may".

15 --- Pause

16 PRESIDENT SHEWCHUK: Could you
17 bring the other one back then.

18 Delete "will not" and insert
19 "may". "May" not "must". May be allowed.

20 Order, please.

21 Put "may not" then. When I heard
22 it, it was "will not" to "may". That was the
23 motion that was --

24 Okay, correction. Put "will not"
25 to "may not". That is the amendment.

1 Do we have any further discussion?

2 Microphone 3.

3 DELEGATE TREMBLAY: Luc Tremblay,
4 division 753, Quebec.

5 I speak English a little bit.

6 Put the revision on the table.

7 PRESIDENT SHEWCHUK: A motion to
8 table this?

9 Microphone 2.

10 DELEGATE WRIGHT: Cameron Wright,
11 Division 852, Toronto Engineers.

12 Another thing to consider, instead
13 of tabling it, maybe change -- just hear me.

14 Leave "will not" and at the bottom
15 change the "may" to "will" -- because this is sort
16 of leaving it open.

17 PRESIDENT SHEWCHUK: Just to be
18 clear, the motion to table is only on the
19 amendment. You are only going to table the
20 amendment. You are not tabling the motion.

21 That's what we are discussing, is
22 the amendment right now.

23 And we haven't had a seconder to
24 table the motion.

25 Microphone 1.

1 DELEGATE GEILER: Conductor
2 Geiler, 677.
3 I second the motion to table the
4 motion -- table the amendment.
5 PRESIDENT SHEWCHUK: Okay, table
6 the amendment.
7 Could we have screen No. 10:
8 motion to table the amendment.
9 Discussion? No.
10 Please vote now.
11 --- VOTING
12 RETURNS ARE: 106 in favour; 51 against
13 CARRIED
14 PRESIDENT SHEWCHUK: Now we return
15 to the original motion.
16 Could we get that up on the
17 screen, Line, if you can remember which one it is.
18 The "may not" comes out and the
19 "will not" remains.
20 Microphone 1.
21 DELEGATE HAMEL: Mark Hamel of
22 Division 319, Chapleau.
23 Motion to table this one as well
24 PRESIDENT SHEWCHUK: Microphone 2.
25 DELEGATE EDWARDS: I will second

1 that.

2 PRESIDENT SHEWCHUK: Okay.

3 Slide No. 10: Motion to table.

4 Please vote now.

5 --- VOTING

6 PRESIDENT SHEWCHUK: Microphone 3.

7 DELEGATE SINGER: Point of order.

8 Did we just vote on the motion

9 that we already adopted to table it now?

10 PRESIDENT SHEWCHUK: No. We had
11 not adopted it.

12 DELEGATE SINGER: We adopted a --

13 PRESIDENT SHEWCHUK: We adopted an
14 amendment that had passed but the main motion did
15 not pass.

16 DELEGATE SINGER: So which did we
17 table?

18 PRESIDENT SHEWCHUK: We tabled the
19 main motion.

20 DELEGATE SINGER: Okay. Because
21 there's all that yellow --

22 PRESIDENT SHEWCHUK: Right. The
23 result is 98 to 53.

24 The motion is tabled.

25 RESULTS ARE: 98 in favour; 53 against

1 CARRIED

2 DELEGATE SINGER: So is the motion
3 in its entirety now?

4 PRESIDENT SHEWCHUK: The motion in
5 its entirety, as was amended at the last section,
6 before the "will not" and "may not". Just before
7 that is what is tabled.

8 Should somebody want to bring that
9 from the table, we will have all of the
10 information for you to make sure that the motion
11 that was tabled is the correct one, if that is
12 acceptable.

13 Thank you.

14 BYLAWS COMMITTEE, BUTCH BAILLIE:
15 Next go to page 72.

16 PRESIDENT SHEWCHUK: Microphone 3.

17 DELEGATE ESSERY: Kari Essery,
18 Division 954.

19 I can withdraw this.

20 PRESIDENT SHEWCHUK: Division Rule
21 Section 13, submitted by Division 954, is
22 withdrawn.

23 Thank you.

24 BYLAWS COMMITTEE, BUTCH BAILLIE:
25 We can move on to page 74, Division Rule Section

1 13(b)(i): Secretary-Treasurer duties and bond.

2 Bylaws Committee recommendation:
3 Your Bylaws Committee recommends to accept the
4 resolution submitted by the TCRC President.

5 I so move.

6 PRESIDENT SHEWCHUK: Discussion.
7 Slide 2, please: Accept the
8 Bylaws Committee recommendation.

9 Please vote now.

10 --- VOTING

11 RETURNS ARE: 149 in favour; 6 against

12 CARRIED

13 BYLAWS COMMITTEE, BUTCH BAILLIE:
14 Page 75 next, Division Rule Section 15(b):
15 Trustees auditing committee duties.

16 The Bylaws Committee
17 recommendation: your Bylaws Committee recommends
18 to accept the resolution submitted by the TCRC
19 President.

20 I so move.

21 PRESIDENT SHEWCHUK: Discussion?
22 Could we have Slide 2, please?

23 Motion to accept the Bylaws Committee
24 recommendation.

25 Please vote now.

1 RESULTS ARE: 152 in favour, 3 against
2 CARRIED

3 BYLAWS COMMITTEE, BUTCH BAILLIE:
4 Page 76, division rules section 16(f), local
5 committee of adjustments duties.

6 Bylaws Committee recommendation:
7 Your Bylaws Committee recommends to accept the
8 resolutions submitted by the TCRC President.

9 I so move.

10 PRESIDENT SHEWCHUK: Discussion?

11 Motion to accept the Bylaws
12 Committee recommendation.

13 Please vote now.

14 RESULTS ARE: 144 in favour; 12 against
15 CARRIED

16 BYLAWS COMMITTEE, BUTCH BAILLIE:
17 Page 77, division rules, section 17(e), duties of
18 division legislative representative.

19 Bylaws Committee Recommendation:
20 In principle, your Bylaws Committee agrees with
21 Division 319 in that the division legislative
22 representative should be the representative on the
23 health and safety committee.

24 The reality is that many divisions
25 are comprised of members employed by a variety of

1 different employers. Your Bylaws Committee feels
2 it is necessary to change the proposed language to
3 accommodate that fact.

4 Your Bylaws Committee recommends
5 to reject the resolution submitted by Division 319
6 and to accept the resolution submitted by the
7 Bylaws Committee.

8 The Bylaws Committee resolution
9 is:

10 "The legislative
11 representative or their
12 designate will be the
13 representative
14 (representatives) for the
15 safety and health committee."
16 (As read)

17 I so move.

18 PRESIDENT SHEWCHUK: Discussion?
19 Microphone 1.

20 DELEGATE ROPCHAN: Morley Ropchan,
21 Locomotive Engineers, Division 356.

22 When I'm reading this our division
23 has one legislative rep and we have two members on
24 the health and safety committee. Now, the way I'm
25 reading this, this wouldn't allow that because it

1 says a legislative representative or his
2 designate.

3 And then we are limiting the
4 number of people we can have on safety and health
5 committees by adopting this by ourselves when we
6 need as many union people on these safety and
7 health committees as we can because we are getting
8 outnumbered by the company at times anyway.

9 So I rise to not accept the Bylaws
10 Committee recommendation and not accept Division
11 319's either.

12 PRESIDENT SHEWCHUK: Thank you.

13 DELEGATE UNKNOWN: Just a
14 clarification --
15 --- Applause

16 DELEGATE UNKNOWN: -- if you want
17 to just -- a clarification? That's what the
18 bracketed (s) is for.

19 DELEGATE ROPCHAN: Well, but then
20 the word "or" is there and it doesn't say "and".
21 It says "or" and or is exclusive. It's one or the
22 other; it's not both.

23 But if the legislative rep is
24 there then there are no designates because it's
25 "or" -- legislative rep or designates.

1 PRESIDENT SHEWCHUK: Thank you.

2 Microphone 2.

3 DELEGATE VESTROCY: Mike Vestrocy,
4 Division 70, Toronto.

5 We have a series of yards within
6 the terminal being McMillan Yard, Bid(ph) Yard.
7 They are not the same health and safety committee.

8 Are we saying that the legislative
9 rep is going to be responsible for all the health
10 and safety committees within the terminal?

11 BYLAWS COMMITTEE, BUTCH BAILLIE:
12 Well, I will speak a bit to that.

13 I mean what the intent here was
14 that the legislative representative would be
15 responsible on all of the health and safety
16 committees. And they would either have the
17 ability to sit on it or they would appoint the
18 people that did sit on it.

19 So ultimately health and safety
20 comes back to that legislative representative.

21 DELEGATE MIKE VESTROCY: So right
22 now it's the President that assigns to the health
23 and safety and you are saying it should be the
24 legislative rep.

25 BYLAWS COMMITTEE, BUTCH BAILLIE:

1 We are saying that our recommendation, which was
2 related to the submission of 319, was that the
3 legislative rep would be responsible for the
4 health and safety committee.

5 DELEGATE VESTROCY: Thank you.

6 PRESIDENT SHEWCHUK: Microphone 3.

7 DELEGATE ISAAK: Lyndon Isaak,
8 Division 847, Locomotive Engineers.

9 On the CN West as far as I know,
10 at least in our divisions in Saskatchewan, the
11 health and safety reps are voted on by the
12 division -- selected by the division. It's a
13 democratic process. There is no -- anybody
14 designated who they are going to be. It's whoever
15 our division seems to hold fit to hold these
16 positions.

17 And as a democratic union, I think
18 that this should be left in the hands of the
19 division.

20 PRESIDENT SHEWCHUK: Thank you.

21 Microphone 1.

22 --- Applause

23 DELEGATE DOHERTY: John Doherty,
24 Division 355, and I am the legislative rep of that
25 division.

1 I would agree with Division 319
2 here. Right now the legislatives reps -- it is my
3 understanding -- don't sit on our health and
4 safety committees. They are members of our
5 executive and our divisions.

6 Our committee members are elected
7 by our divisions. The problem is that these
8 gentlemen are called my alternates. They don't
9 have the same weight and power as I do with the
10 legislation.

11 We just went through a bitter
12 fight in Alyth(ph) where I had to use my position
13 as the legislative rep. I tried letters to the
14 Board of Transport and to confer with the National
15 Legislative Director. It was quite an important
16 issue whereas my alternates don't enjoy the same
17 ability.

18 So the problem is if you don't let
19 a legislative rep sit on your health and safety
20 committee -- I hate to put it this way -- but you
21 lose the hammer to make sure the company is
22 compliant with legislation. You lose the ability
23 to form a proper formal complaint. I just wanted
24 to bring that.

25 319's motion has actually got some

1 teeth to it. It has got some very sound weight to
2 what they are trying to get at.

3 Thank you.

4 PRESIDENT SHEWCHUK: Thank you.

5 Microphone 3.

6 DELEGATE HOULE: Tim Houle,
7 Division 3, Way Conductors.

8 Motion to table.

9 PRESIDENT SHEWCHUK: Do you have a
10 seconder?

11 DELEGTE JOSE LOPEZ: Jose Lopez,
12 Division 737.

13 I second it.

14 PRESIDENT SHEWCHUK: Second,
15 motion to table. No debate.

16 Slide No. 10.

17 Motion to table. Please vote now.

18 RESULTS ARE: 58 in favour, 98 against

19 DEFEATED

20 PRESIDENT SHEWCHUK: The motion to
21 table is defeated.

22 Microphone 1.

23 DELEGATE HAMEL: Okay, Mark Hamel,
24 Division 319.

25 First off, I will address the

1 issue about somebody said that they were a voted
2 position. They are not a voted position. It's an
3 appointment position by the President right now.
4 If you -- it's in your bylaws right now.

5 Also, if you look at the Teamsters
6 Canada Rail Conference Division Triennial
7 Nomination Election Procedures which was mailed
8 out by our Executive Board for the last
9 election -- sorry -- there is no spot on here for
10 a health and safety rep.

11 It's all legislative
12 vice-presidents so it's an employment position.

13 So now that that's clarified, the
14 reason I want to make it an appointed position for
15 the legislative rep is because if your president
16 is just going to appoint a friend of his then
17 that's wrong. It should be the legislative rep on
18 that health and safety committee.

19 That's why I put this in.

20 --- Applause

21 PRESIDENT SHEWCHUK: Microphone 2.

22 DELEGATE EDWARDS, Div. 657: Greg
23 Edwards, Division 657, Locomotive Engineers.

24 There is a couple of points that I
25 would like to make and the first off is that I

1 don't agree that the President appoints that
2 position. Where it says the President will
3 appoint committees, a safety and health committee
4 is not a committee of the TCRC. It's an outside
5 committee that we have a seat on.

6 By doing that I would like to
7 point you to division rules of our Bylaws, section
8 17, "Duties of Division Legislation
9 Representative":

10 "The duties and
11 responsibilities of the
12 division legislative
13 representative are the safety
14 and sanitation of the working
15 environment and political
16 education for the members of
17 the division. The division
18 legislative representative
19 will in their normal course
20 of duties monitor the
21 enforcement of safety rules,
22 regulations, acts or
23 Parliament..." (As read)

24 Et cetera. It's clearly the
25 responsibility of the legislative representative

1 to handle safety and health issues.

2 The President -- maybe in Division
3 319 the President thinks that he should appoint
4 everything. Well, if that's the case why isn't he
5 appointing the Local Committee of Adjustments?

6 That's not what it's talking
7 about. The Safety and Health Committee is not a
8 committee of the TCRC.

9 And to the Brother's point where
10 they elect their health and safety, many divisions
11 choose to do that. Our division does that. But
12 at the end of the day it's ultimately the
13 responsibility of the legislative representative.

14 I think we need to clarify the
15 rules and make it very clear it's the legislative
16 representative's job to do the safety and health
17 work. The President is not God.

18 PRESIDENT SHEWCHUK: Thank you.

19 --- Applause

20 PRESIDENT SHEWCHUK: Microphone 3.

21 DELEGATE ASHLEY: Don Ashley,
22 Division 529, Hamilton, Locomotive Engineers.

23 I would like to make a motion to
24 amend the recommendation.

25 PRESIDENT SHEWCHUK: Motion to

1 amend. Okay.

2 DELEGATE ASHLEY: It's simple. I
3 didn't write it out. It was to address an earlier
4 concern.

5 I would like to see where it says
6 the legislative representative -- where it has
7 "or" to "and/or".

8 PRESIDENT SHEWCHUK: Yeah, it will
9 take a minute to get it over.

10 17(e), Line, division rules.

11 --- Pause

12 PRESIDENT SHEWCHUK: That would be
13 the only change?

14 DELEGATE ASHLEY: No.

15 PRESIDENT SHEWCHUK: Okay. Just
16 before -- I was going to have a seconder we would
17 get past that but let's get the entire thing on
18 there.

19 Okay, go ahead with the next part,
20 Don.

21 DELEGATE ASHLEY: And then further
22 on, "Or their designate" and in brackets an (s)
23 following that in case there is more than one
24 designate.

25 And then "the" before

1 representatives changed to "a" and that would also
2 address that if there is more than one position on
3 that committee they are at least filling that
4 position -- one of the positions.

5 --- Pause

6 DELEGATE ASHLEY: So "the" would
7 be required to be stricken out.

8 PRESIDENT SHEWCHUK: Yeah, remove
9 the word "the".

10 DELEGATE ASHLEY: Yeah.

11 PRESIDENT SHEWCHUK: There you go.

12 DELEGATE ASHLEY: Okay, thank you.

13 PRESIDENT SHEWCHUK: That's -- do
14 we have a seconder?

15 Microphone 1.

16 DELEGATE HAMEL: Mark Hamel,
17 Division 319.

18 I will second that motion.

19 PRESIDENT SHEWCHUK: Second the
20 motion.

21 Discussion, discussion on the
22 amendment?

23 Microphone 1.

24 DELEGATE HAMEL: Mark Hamel,
25 Division 319.

1 I think it's a good amendment and
2 I think Greg and I were on the same page as that.
3 It's just a matter of splitting hairs. How you do
4 it in Revelstoke and how we do it in Chapleau,
5 that's all.

6 Thank you.

7 PRESIDENT SHEWCHUK: Thank you.

8 Any further discussion on the
9 amendment?

10 Could we have screen 3, please --
11 Slide 3, amendment to the motion?

12 Please vote now.

13 RESULTS ARE: 148 in favour, 7 against

14 CARRIED

15 PRESIDENT SHEWCHUK: The amendment
16 passes.

17 I will go to the motion as amended
18 for debate. Any discussion?

19 Seeing nobody at the microphones
20 we will go to Slide 4. Please vote now.

21 RESULTS ARE: 148 in favour; 9 against.

22 CARRIED

23 PRESIDENT SHEWCHUK: The motion is
24 amended as passed.

25 Microphone 2.

1 DELEGATE LEONARD: Would that be
2 effective immediately so everybody that's on there
3 you have got to pull them off and put the safety
4 rep on or the legislative rep on?

5 PRESIDENT SHEWCHUK: That wasn't
6 addressed.

7 DELEGATE LEONARD: Pardon me?

8 PRESIDENT SHEWCHUK: That wasn't
9 addressed in the discussion.

10 Do you want to make an amendment
11 to the motion to say effective immediately? Okay.

12 --- Pause

13 PRESIDENT SHEWCHUK: Then it would
14 be effective with the implement of the changes to
15 the bylaws which would be whenever.

16 Brother Butch...? Brother Butch,
17 are you ready?

18 BYLAWS COMMITTEE, BUTCH BAILLIE:
19 Okay. We will deal next with page 80 and 81. I
20 just would like to make a quick note on this.

21 The stuff that's located on 80 and
22 81 is related to the stuff that's located on page
23 82. So if you want to take a quick read and make
24 sure that you see that these are all flowing
25 together.

1 It deals with division rules
2 section 20(a) vacancies and how filled.

3 The Bylaws Committee
4 recommendation -- and this relates to the section
5 a(1). This resolution is tied to that being
6 proposed by Division 319 to change paragraph (b)
7 of this section. There is currently plenty of
8 latitude for divisions to fill vacancies between
9 triennial elections, short of conducting a
10 mail-out ballot.

11 In a few remaining situations your
12 Bylaws Committee feels that it is important to
13 retain the integrity of the democratic process by
14 conducting an election as is currently required.

15 Your Bylaws Committee recommends
16 to reject the resolution submitted by Division 319
17 and retain present law.

18 I so move.

19 PRESIDENT SHEWCHUK: Discussion?
20 Microphone 1.

21 DELEGATE HAMEL: Mark Hamel, 319
22 again. This is from my division.

23 The reason for this change is
24 because if there is any vacancy that occurs
25 between elections, if it's not protected by an

1 alternate then there could be an election. With
2 it being tied into this is the only time that
3 there would be an election in between elections --
4 mail-out ballot. I shouldn't say election --
5 would be if it's the position of the local chair
6 because that's probably the most important
7 position in the division right now.

8 So if it's vacancy by President,
9 the Vice-President would step up and if it was a
10 vacancy for Vice-President then the President
11 could appoint. That's what the basis of these two
12 things are all about.

13 Thank you.

14 PRESIDENT SHEWCHUK: Thank you.

15 Further discussion? Microphone 3.

16 DELEGATE SINGER: Al Singer,
17 Division 563, Cranbrook, B.C. and Locomotive
18 Engineers.

19 Just a point of clarification,
20 point of order, I see the word "triennial" again
21 here. I have one of two questions on that.

22 Can we not have a universal
23 resolution to amend all the bylaws in the division
24 bylaws so they now read "quadrennial" or leave it
25 to the Executive after this convention under the

1 errors and omissions provisions of the
2 Constitution to correct what has been the intent
3 of the Convention?

4 PRESIDENT SHEWCHUK: I think you
5 could leave it till after the fact and have it
6 done because most of the major sections of the
7 bylaws are altered. We may miss one or two
8 through this process but there may be others in
9 there that need to be changed.

10 So I would suggest we could leave
11 that. It will be corrected as we work through it.

12 DELEGATE SINGER: So I won't offer
13 an amendment to this resolution.

14 PRESIDENT SHEWCHUK: Yeah, that
15 would be great.

16 DELEGATE SINGER: Okay.

17 PRESIDENT SHEWCHUK: Appreciate
18 it. Thank you.

19 --- Laughter

20 PRESIDENT SHEWCHUK: Any further
21 discussion? Microphone 2.

22 DELEGATE EDWARDS, Div. 657: Greg
23 Edwards, Division 657, Locomotive Engineers.

24 I just want to clarify the Bylaws
25 Committee recommendation.

1 Where they say in there, "There is
2 a lot of ways where you don't have to conduct an
3 election" if you have a vacancy midterm and only
4 one person is nominated you are not required to
5 mail out a ballot. But if two people want to run
6 for that position, then you are required to do it.

7 And if you have two people who
8 wish to run for that position, the Bylaws
9 Committee felt that that provision should remain.
10 That was the position of the Committee.

11 PRESIDENT SHEWCHUK: Thank you.
12 Microphone 1.

13 DELEGATE HAMEL: I kind of tend to
14 agree with Greg but, like I say, if it's a vice
15 job it's a junior job. If it's a vice president
16 it's still a junior job. You don't want to have
17 an election for a junior position and so that's
18 why I think we should get rid of the Bylaws
19 Committee recommendation and reintroduce the
20 motion.

21 Thank you.

22 PRESIDENT SHEWCHUK: Thank you.
23 Further discussion?

24 Slide 2, please. Motion to accept
25 the Bylaws Committee recommendation.

1 Please vote now.

2 RESULTS ARE: 128 in favour, 29 against
3 CARRIED

4 PRESIDENT SHEWCHUK: I think at
5 this time -- it's 2:54 -- it's time for a recess,
6 a 10-minute recess.

7 Thank you.

8 --- Upon recessing at 1454

9 --- Upon resuming at 1521

10 PRESIDENT SHEWCHUK: Please take
11 your seats. I think we have just about got
12 everybody on the convention floor.

13 --- Pause

14 PRESIDENT SHEWCHUK: Okay. We
15 will begin. We will start again at Microphone 2.

16 DELEGATE RATHGEBER: Lewis
17 Rathgeber, Locomotive Engineer, Division 764 out
18 of Melville.

19 I would like to withdraw page 87,
20 please.

21 PRESIDENT SHEWCHUK: Submission on
22 division rule, section 45(b) by Division 764 is
23 withdrawn.

24 DELEGATE RATHGEBER: Yes.

25 PRESIDENT SHEWCHUK: Thank you.

1 RESOLUTION WITHDRAWN

2 PRESIDENT SHEWCHUK: Microphone 3.

3 DELEGATE UNKNOWN: Division 832,
4 Locomotive Engineers. I would like to withdraw
5 our resolution also.

6 Thank you.

7 PRESIDENT SHEWCHUK: Okay, thank
8 you.

9 Resolution submitted by Division
10 832 on section 45(b) is withdrawn.

11 RESOLUTION WITHDRAWN

12 PRESIDENT SHEWCHUK: Microphone 2.

13 That was on page 87 -- page 87.
14 Microphone 2.

15 DELEGATE VAN EGMOND: Yes, Tony
16 Van Egmond, Division 390, Transportation.

17 I would like to revisit page 71,
18 the motion.

19 I do believe this is a good
20 article, a good rule to be instituted. It would
21 help the respective locals, quiet the people who
22 have their own agenda, personal agenda for 12
23 months while still leaving them open to revisit it
24 but -- so that we could continue on with that work
25 that needs to be addressed by the locals.

1 PRESIDENT SHEWCHUK: So that --
2 okay, that motion was tabled if I have a
3 recollection -- correct?

4 That was motion was tabled so we
5 would have to --
6 --- Off the record discussion

7 PRESIDENT SHEWCHUK: Right. So
8 you would have to make a motion to --

9 DELEGATE VAN EGMOND: A motion.

10 PRESIDENT SHEWCHUK: -- to remove
11 it from the table, in essence.

12 DELEGATE VAN EGMOND: To remove it
13 from the table.

14 PRESIDENT SHEWCHUK: Remove from
15 the table page 71.

16 DELEGATE VAN EGMOND: And to
17 revisit this as written "12 months" because I do
18 believe it is an important piece for the
19 respective locals to work. Those are off their
20 own agenda.

21 PRESIDENT SHEWCHUK: Well, before
22 we get to that we will get a seconder and then you
23 can make comments on top.

24 DELEGATE SEILLER: (Off
25 microphone), Division 750, Conductors and

1 Trainmen.

2 I will second that.

3 PRESIDENT SHEWCHUK: Second, okay.

4 It's not debatable. It strictly
5 goes to a vote and it's a simple majority.

6 So the motion is to bring back
7 from the table page 71.

8 And we don't have a slide for that
9 that I see. Line?

10 Oh, it's not a motion to
11 reconsider. It's a motion to bring back from the
12 table. No, a simple majority according to our
13 Parliamentarian.

14 --- Pause

15 PRESIDENT SHEWCHUK: Okay. In
16 that we don't have a slide, we have -- it's not
17 debatable. We have a motion to bring back page
18 71.

19 Therefore, I will just -- oh,
20 there we go. Right, bring off the table. That's
21 perfect.

22 Okay. Would you please vote now?

23 RESULTS ARE: 95 in favour, 60 against

24 CARRIED

25 PRESIDENT SHEWCHUK: The

1 resolution regarding section 11(j) is now back on
2 the floor for discussion.

3 Microphone 1.

4 DELEGATE SEILLER: (Off
5 microphone) Division 750, Conductors.

6 I would like to make a motion to
7 amend this motion or resolution.

8 PRESIDENT SHEWCHUK: Okay.

9 DELEGATE SEILLER: Where it says
10 "handled" I would like "defeated" and the "12"
11 months to "6" months. That's it.

12 PRESIDENT SHEWCHUK: Okay, one at
13 a time.

14 Line, the word "handled" to change
15 to "defeated". Right.

16 DELEGATE SEILLER: And the 12
17 months to 6 months.

18 PRESIDENT SHEWCHUK: And that's
19 already there now.

20 DELEGATE SEILLER: Okay.

21 PRESIDENT SHEWCHUK: Do we have a
22 seconder to the amendment?

23 Microphone 1.

24 DELEGATE ROB SMITH: Rob Smith,
25 Division 381, Locomotive Engineer.

1 I will second that motion.
2 PRESIDENT SHEWCHUK: Okay, second.
3 Discussion?
4 Seeing no further discussion,
5 Slide 3, please.
6 To accept the amendment to the
7 motion, please vote now.
8 RESULTS ARE: 131 in favour; 25 against
9 CARRIED
10 PRESIDENT SHEWCHUK: The amendment
11 is carried.
12 Now, we will go back to the motion
13 as amended, if you could put that back on the
14 screen for a minute, Line?
15 Discussion?
16 DELEGATE LEONARD: Yeah, Mike
17 Leonard, 852.
18 PRESIDENT SHEWCHUK: Microphone 2.
19 Just a clarification, you notice
20 the light comes on when you come up?
21 DELEGATE LEONARD: Yeah.
22 PRESIDENT SHEWCHUK: That's when
23 it activates and that's when we get the sound. So
24 if you could just wait until the light comes on
25 and then -- go ahead, Mike.

1 DELEGATE LEONARD: All right.

2 Now, the whole -- the meaning of
3 the whole thing has all changed now because its
4 motion was previously defeated. Well, what if a
5 whole group of them came in at one meeting and
6 they brought something in so it was brought in and
7 actually the division didn't want that?

8 It just doesn't seem to make sense
9 anymore.

10 PRESIDENT SHEWCHUK: Any
11 further -- Microphone 2.

12 Okay. While we have -- microphone
13 3.

14 DELEGATE MIKE MATTHEWS: Just a
15 comment. I was happy, if anybody cares, as soon
16 as we changed it from "must" to "may" to give the
17 Division President the ability to make the choice
18 and taking what the otherwise six months instead
19 of 12, that was fine. Somebody was happy with
20 that.

21 But I was happy when it changed to
22 "may" and give the Division President the option
23 and -- to bring it in. It's just --

24 PRESIDENT SHEWCHUK: Mike, just
25 for the record, could I ask you to come back to

1 the microphone and say your name and your craft,
2 Division number, please.

3 DELEGATE MIKE MATTHEWS: Mike
4 Matthews, Division 67, CTY.

5 PRESIDENT SHEWCHUK: Thank you.
6 Microphone 2.

7 DELEGATE TONY VON EGMOND: Tony
8 von Egmond, Division 390.

9 I move we call for the question.

10 DELEGATE BRAD KNIGHT: Brad
11 Knight, TCRC 563.

12 I second that motion.

13 PRESIDENT SHEWCHUK: Second.
14 Okay.

15 The motion is -- we didn't -- you
16 didn't really have to call for the question.
17 There was nobody else at the mike.

18 DELEGATE TONY VON EDMOND: (Off
19 mike)

20 PRESIDENT SHEWCHUK: Okay. So now
21 we'll vote on calling the question.

22 So the call for the question has
23 to be passed by two-thirds majority.

24 Would you withdraw that?

25 DELEGATE TONY VON EDMOND: I

1 withdraw that.

2 PRESIDENT SHEWCHUK: Okay. Thank
3 you very much. That call for the question has
4 been withdrawn.

5 Seeing no further Delegates at the
6 microphone, we will vote on the motion as amended.
7 Please vote now.

8 RESULTS ARE: 136 in favour; 21 against
9 CARRIED

10 PRESIDENT SHEWCHUK: Thank you.
11 Brother Butch, guide us back to where we were.

12 BYLAWS COMMITTEE, BUTCH BAILLIE:
13 Okay. Back to where we were, page 82, which is
14 the second part of the recommendation that we
15 dealt with prior to taking our break. It deals
16 with Division Rule Section 20(b), Vacancies, How
17 Filled.

18 The Bylaws Committee
19 recommendation. This Resolution is tied to that
20 being proposed by Division 319 to change paragraph
21 (a) of this section.

22 As stated previously, there is
23 currently plenty of latitude for Divisions in
24 filling vacancies between priennial(sic) elections
25 short of conducting a mail-out vote. In the few

1 remaining situations, your Bylaws Committee feels
2 it is important to retain the integrity of the
3 democratic process by conducting an election as is
4 currently required.

5 Your Bylaws Committee recommends
6 to reject the Resolution submitted by Division 319
7 and to retain present law. I so move.

8 PRESIDENT SHEWCHUK: Discussion.

9 Slide No. 2, please. Motion to
10 accept the Bylaw Committee recommendation. Please
11 vote now.

12 RESULTS ARE: 149 in favour; 9 against

13 CARRIED

14 BYLAWS COMMITTEE, BUTCH BAILLIE:

15 Next on page 83, Division Rule Section 20(c),
16 Vacancies, How Filled.

17 The Bylaws Committee
18 recommendation. Your Bylaws Committee recommends
19 to accept the Resolution submitted by the TCRC
20 President. I so move.

21 PRESIDENT SHEWCHUK: Discussion.

22 The reason I'm waiting is I see quite a few
23 Delegates still reading the original, so I'll just
24 give a few minutes to ensure there's no further
25 discussion.

1 Being no one at the microphones,
2 the motion is on the screen. Please vote now.
3 RESULTS ARE: 158 in favour; 1 against
4 CARRIED

5 BYLAWS COMMITTEE, BUTCH BAILLIE:
6 Page 84-85. This is Division Rule Section 25(b),
7 Active Service, Active Membership and Membership.
8 The Bylaws Committee
9 recommendation. The Resolution submitted by
10 Division 728 appears directed at two issues,
11 pension income and holding seniority.

12 On the issue of seniority, the
13 definition of "active service" as presently
14 provided is abundantly clear. In order to qualify
15 for active membership, a member must be employed
16 in the railway or hold seniority in the railway
17 while being exclusively employed by the Rail
18 Conference.

19 The second issue Division 728
20 addresses in their proposed Resolution deals with
21 the collection of company pension benefits.

22 Collecting a company pension has
23 no bearing on qualifying for active service, nor
24 should it ever. Employment in the railway or the
25 holding of seniority while employed exclusively by

1 the Rail Conference are the two ways to qualify
2 for active service, and this is already clearly
3 stipulated in the present language.

4 Your Bylaws Committee recommends
5 to reject the Resolution submitted by Division 728
6 and to retain present law. I so move.

7 PRESIDENT SHEWCHUK: Discussion.

8 Seeing no one at the microphones,
9 Screen 2, please. Please vote now.

10 RESULTS ARE: 142 in favour; 18 against

11 CARRIED

12 BYLAWS COMMITTEE, BUTCH BAILLIE:

13 Page 86, Division Rule Section 36(c), Dues and
14 Assessments.

15 The Bylaws Committee
16 recommendation. Your Bylaws Committee recommends
17 to accept the Resolution submitted by the TCRC
18 President. I so move.

19 PRESIDENT SHEWCHUK: Discussion.

20 Slide 2. Please vote now.

21 RESULTS ARE: 153 in favour; 6 against

22 CARRIED

23 BYLAWS COMMITTEE, BUTCH BAILLIE:

24 Page 89, Division Rule Section 46(a), Taking Case
25 to Court.

1 The Bylaws Committee
2 recommendation. Your Bylaws Committee recommends
3 to accept the Resolution submitted by the TCRC
4 President. I so move.

5 PRESIDENT SHEWCHUK: Discussion.
6 Slide 2. Please vote now.

7 RESULTS ARE: 152 in favour; 7 against
8 CARRIED

9 BYLAWS COMMITTEE, BUTCH BAILLIE:
10 Page 90, Division Rule Section 47, Reinstatements.

11 The Bylaws Committee
12 recommendation. Your Bylaws Committee recommends
13 to accept the Resolution submitted by the TCRC
14 President. I so move.

15 PRESIDENT SHEWCHUK: Discussion.
16 Slide 2, please. Please vote now.

17 RESULTS ARE: 157 in favour; 1 against
18 CARRIED

19 BYLAWS COMMITTEE, BUTCH BAILLIE:
20 Okay. What we're going to deal with next is on
21 page 96, which is the main motion. What you see
22 on 92 is a related motion that we'll deal with
23 next.

24 And 96 is General Committee Rule
25 Section 8(a), GCA Meetings.

1 The Bylaws Committee
2 recommendation. The Resolution submitted by
3 Division 381 would mandate that every general
4 committee must convene on a four-year basis and,
5 in addition, no later than May 31st of that year.

6 The present law provides each
7 general committee the latitude to convene during
8 the third year or to extend to a fourth year. In
9 addition, most GC of As have adopted specific time
10 frames within their own bylaws which dictate the
11 time of year the GC of A must convene.

12 Your Bylaws Committee believes it
13 is important that the general committee retain
14 this flexibility. Doing so will continue to
15 provide each general committee the opportunity to
16 take into account their own specific
17 circumstances, their current workload, financial
18 conditions, et cetera when determining the optimum
19 time to convene the GC of A.

20 Your Bylaws Committee recommends
21 to reject the Resolution submitted by Division 381
22 and to retain present law. I so move.

23 PRESIDENT SHEWCHUK: Discussion.

24 Slide 2, please. Accept the Bylaw
25 Committee recommendation. Please vote now.

1 RESULTS ARE: 137 in favour; 21 against
2 CARRIED

3 BYLAWS COMMITTEE, BUTCH BAILLIE:
4 Okay. Now we'll go back to page 92-93. General
5 Committee Rule Section 1, General Committee of
6 Adjustments, How Organized.

7 PRESIDENT SHEWCHUK: Oh, sorry.
8 Microphone 1.

9 DELEGATE ROB SMITH: Rob Smith,
10 Division 381, Locomotive Engineer.

11 I'd like to withdraw that
12 Resolution, please.

13 PRESIDENT SHEWCHUK: Thank you,
14 Brother Smith. Withdrawn.

15 BYLAWS COMMITTEE, BUTCH BAILLIE:
16 Okay. We'll move on to page 94-95. General
17 Committee Rule Section 2(a). GC of A
18 Representation.

19 The Bylaws Committee
20 recommendation. The composition of the TCRC is
21 now such that it is possible under certain
22 circumstances for one individual to be elected GC
23 of A delegate to more than one local committee of
24 adjustments.

25 Your Bylaws Committee feels it is

1 important that each local committee is fully
2 represented at the general committee level. Local
3 committees should not be penalized in the event
4 that they choose to elect the same individual as
5 their delegate.

6 Your Bylaws Committee recommends
7 to reject the Resolution submitted by the TCRC
8 President and to accept the Resolution by the
9 Bylaws Committee.

10 I'll read that Resolution:

11 "Each Division with 12 or
12 more active members paying GC
13 of A assessment on a railway
14 or system shall be entitled
15 to one representative and one
16 vote in the committee unless
17 otherwise authorized by the
18 GC of A and the Rail
19 Conference President,
20 provided, however, that a
21 railway or system where there
22 is but one Division, the
23 local committee of
24 adjustments will be the GC of
25 A. Where there are two

1 Divisions, the Division
2 having the most members
3 employed on such system shall
4 have two representatives and
5 two votes on the committee.
6 When one person is the
7 elected representative of
8 more than one local committee
9 of adjustments from the same
10 Division, they will be
11 entitled to one vote on
12 behalf of each local
13 committee they represent."

14 I so move.

15 PRESIDENT SHEWCHUK: Discussion.

16 Slide 2, please. Motion to accept
17 the Bylaw Committee recommendation. Please vote
18 now.

19 RESULTS ARE: 150 in favour; 9 against

20 CARRIED

21 BYLAWS COMMITTEE, BUTCH BAILLIE:

22 Page 97-98 deals with General Committee Rule
23 Section 9(b), GC of A Election of Officers.

24 The Bylaws Committee
25 recommendation. General Committee Rules Section

1 9(d) already provide a mechanism for a membership
2 vote to elect a general Chairman if such is
3 desired by a majority of the Divisions.

4 Your Bylaws Committee recommends
5 to reject the Resolution submitted by Division 728
6 and to retain present law. I so move.

7 PRESIDENT SHEWCHUK: Discussion.

8 Slide 2, please. Please vote now.

9 RESULTS ARE: 150 in favour; 8 against

10 CARRIED

11 BYLAWS COMMITTEE, BUTCH BAILLIE:

12 Page 99-100, General Committee Rule Section

13 9(c)(i), GCA Election of Officers.

14 The Bylaws Committee
15 recommendations. The existing language of the
16 General Committee Rule Section 9(c)(i) is the
17 provision intended for use in the event a general
18 committee is made up of only two Divisions.

19 Although this language has existed
20 for many years, it has seldom, if ever, been
21 applicable anywhere in Canada due to the size of
22 our GC of As.

23 The election process itself has
24 provided, in 9(c)(ii) and (iii) mandates that when
25 the general committee is comprised of only two

1 Divisions, electing the general Chairman is
2 conducted in conjunction with Division elections.

3 The Resolution submitted by
4 Division 728 proposes to alter an existing
5 provision which has a very narrow scope and
6 purpose and have it apply on a much broader scale.
7 In addition, the position of First Vice General
8 Chairman would be included in the process.

9 The option of electing the general
10 Chairman by membership vote is already provided
11 through the provisions of paragraph 9(d);
12 therefore, your Bylaws Committee feels that
13 altering the provisions of 9(c)(i) is unnecessary
14 and only will -- and will only complicate the
15 Division election process.

16 Your Bylaws Committee recommends
17 to reject the Resolution submitted by Division 728
18 and to retain present law. I so move.

19 PRESIDENT SHEWCHUK: Discussion.

20 Slide 2, please. Please vote now.

21 RESULTS ARE: 154 in favour; 3 against

22 CARRIED

23 BYLAWS COMMITTEE, BUTCH BAILLIE:

24 Pages 101-102, General Committee Rules Section
25 9(d), GC of A Election of Officers.

1 The Bylaws Committee
2 recommendation. Your Bylaws Committee agrees
3 basically that the position of Vice General
4 Chairman or Vice General Chairman should be
5 included in the provisions of paragraph 9(d), but
6 on an optional basis as decided by the majority of
7 the Divisions.

8 Your Bylaws Committee recommends
9 to reject the Resolution submitted by Division 728
10 and to accept the Resolution submitted by the
11 Bylaws Committee. That Resolution is:

12 "In the event a majority of
13 the delegates of the GC of A
14 are so instructed by the
15 Division they represent, the
16 General Chairman will be
17 elected by a secret
18 referendum vote of the active
19 membership on the system.

20 The candidate receiving the
21 highest number of votes will
22 be declared elected.

23 If the application of this
24 paragraph results in a
25 membership vote for the

1 position of General Chairman,
2 the option to elect the Vice
3 General Chairman or Vice
4 Chairman at the same time and
5 in the same manner will be
6 made available provided a
7 majority of the Delegates of
8 the GC of A are so instructed
9 by the Division they
10 represent."

11 I so move.

12 PRESIDENT SHEWCHUK: Discussion.

13 Motion to accept the Bylaw

14 Committee recommendation. Please vote now.

15 RESULTS ARE: 153 in favour; 4 against

16 CARRIED

17 BYLAWS COMMITTEE, BUTCH BAILLIE:

18 Page 103-104. General Committee Rule Section

19 9(d), GCA Election of Officers.

20 The Bylaws Committee

21 recommendation. It should not be the duty of a

22 Delegate to inform the Division of General

23 Committee Rule Section 9(d) or any other specific

24 provision of the TCRC bylaws.

25 It is the responsibility of all

1 members and Divisions as a whole to become
2 familiar with the bylaws.

3 In the previous submission,
4 Divisions 728 proposed to alter this same
5 paragraph (d) to the extent that the First Vice
6 General Chairman's position would be included in
7 the event of a majority of Divisions requesting
8 that the General Chairman be elected through a
9 membership vote.

10 This Resolution, in addition to
11 requiring the Delegate to inform the Division of
12 specific provisions proposes to expand the
13 election option contained in paragraph (d) to
14 include the entire GC of A Executive.

15 Historically, GC of A general
16 secretary-treasurers serve longer than other
17 members of the GC of A Executive. The reason is
18 very simple. The position of general
19 secretary-treasurer has involved -- evolved into a
20 complicated and time-consuming position and it
21 takes time to learn the position and become
22 proficient.

23 The general theme amongst most GC
24 of As is once you have a good general
25 secretary-treasurer, you want to hang on to them.

1 Subjecting this position to the vagaries of a
2 membership election is not in the best interests
3 of the GC of A or the members it represents.

4 Your Bylaws Committee recommends
5 to reject the Resolution submitted by Division 728
6 and to retain present law. I so move.

7 PRESIDENT SHEWCHUK: Discussion.

8 Slide No. 2, please. Motion to
9 accept the Bylaw Committee recommendation. Please
10 vote now.

11 RESULTS ARE: 151 in favour; 7 against

12 CARRIED

13 BYLAWS COMMITTEE, BUTCH BAILLIE:
14 Page 105, General Committee Rules Section 11(c),
15 General Chairman's Duties.

16 The Bylaws Committee
17 recommendation. Your Bylaws Committee recommends
18 to accept the Resolution submitted by the TCRC
19 President. I so move.

20 PRESIDENT SHEWCHUK: Discussion.

21 Microphone 1.

22 DELEGATE MARK HAMEL: Mark Hamel,
23 319, Locomotive Engineers.

24 The only thing that bothers me is
25 as it pertains to the craft, and the reason being

1 is let's say, for example, Mr. Genereaux wants to
2 look at Division 319's books. Would he -- our
3 books are combined as according to the bylaws, so
4 what would, what would happen there?

5 Would he have to only be able
6 to -- would the Division secretary-treasurer have
7 to divide the books and just show him what the
8 conductors are doing with their money, or would he
9 see both sides of our books?

10 That's just my question.

11 PRESIDENT SHEWCHUK: The whole
12 idea, just for clarification, was not to provide
13 the ability for the disclosure of financial
14 information to somebody that wasn't under their
15 jurisdiction, so there could be a division of the
16 information between the two crafts at the Division
17 level should that occur.

18 We didn't want -- the whole idea
19 was to put a little bit of a close to it, kind of
20 thing, so that it wasn't wide, wide open.

21 DELEGATE HAMEL: Yeah. That could
22 just make things complicated for your
23 secretary-treasurer at the Division level because
24 if you request it -- if, for example, Mr.
25 Genereaux requests it, he could be doing a lot of

1 book work, so, you know, I like the present law.

2 Thanks.

3 PRESIDENT SHEWCHUK: Thank you.

4 Microphone 2.

5 DELEGATE IVAN GALANDY: Ivan

6 Galandy, Division 825, Locomotive Engineers.

7 Our general chairman spends his
8 time camped out in Mr. Pichet's office in
9 Montreal. He's our chief of police, as it were.

10 Does he also want to be the
11 bookkeeper?

12 PRESIDENT SHEWCHUK: Further
13 discussion?

14 Please put up Slide 2. Motion to
15 accept the Bylaw Committee recommendation. Please
16 vote now.

17 RESULTS ARE: 129 in favour; 27 against

18 CARRIED

19 BYLAWS COMMITTEE, BUTCH BAILLIE:

20 Page 106-107. General Committee Rules Section
21 11(e), General Chairman's Duties.

22 The Bylaws Committee
23 recommendation. As a first note, the Bylaws
24 Committee feels it is important to comment on the
25 reason for change supplied by Division 295 and

1 Division 528 specifically as it relates to the
2 ruling of the TCRC President relative to the
3 General Committee Rule, Section 11(e) and Section
4 28(a) and (b).

5 Section 28(a) and (b) are very
6 narrow in scope and are not applicable to the
7 assessment levied on the CP running trades in
8 relation to the National Life lawsuit.

9 Section 28(a) is limited to the
10 expenses and pay for the members of the GC of A
11 while convened in session and Section 28(b) is
12 limited to the salary and rates of pay for the
13 General Chairman and members of the general
14 committee, along with the legitimate expenses of
15 the general committee.

16 The National Life lawsuit was not
17 a salary or an expense of the general committee;
18 therefore, the vote provided for in Section 28 was
19 not applicable.

20 The assessment was levied by the
21 General Chairman through the authority granted
22 that office in General Committee Rules Section
23 11(e).

24 Nevertheless, the issue raised is
25 an important one. The Bylaws Committee does not

1 agree with the Resolution submitted by Division
2 295 and Division 528, but only due to the
3 reference to Section 28 contained therein.

4 Your Bylaws Committee recommends
5 to reject the Resolution submitted by Division 295
6 and Division 528 and to accept the Resolution
7 submitted by the Bylaws Committee. That
8 recommendation is:

9 "The General Chairman shall
10 be recognized as the GCA
11 between meetings of the body,
12 and his decision on all
13 matters within the scope of
14 authority of the GC of A
15 shall be made effective,
16 subject to appeal in
17 accordance with the
18 provisions of Section 24
19 and/or 25 TCRC, GCA Rules
20 except for matters
21 specifically stipulated in
22 Sections 30 and 31, TCRC, GC
23 of A Rules. The authority
24 conferred upon the General
25 Chairman pursuant to this

1 paragraph shall not apply to
2 the levy of special
3 assessments between sessions
4 of the GC of A. Special
5 assessments levied between
6 sessions of the GC of A
7 require a written consent of
8 a majority of the local
9 Chairman affected, and must
10 be defined in amount and
11 duration."

12 I so move.

13 PRESIDENT SHEWCHUK: Discussion.

14 No Delegates at the mike. We have
15 the motion on the screen. Please vote now.

16 RESULTS ARE: 154 in favour; 4 against

17 CARRIED

18 BYLAWS COMMITTEE, BUTCH BAILLIE:

19 Okay. 108, General Committee Rules Section 11(f),
20 General Chairman's Duties.

21 The Bylaws Committee
22 recommendation. Your Bylaws Committee recommends
23 to accept the Resolution submitted by the TCRC
24 President. I so move.

25 PRESIDENT SHEWCHUK: Discussion.

1 Slide 2, please. Please vote now.

2 RESULTS ARE: 153 in favour; 5 against

3 CARRIED

4 BYLAWS COMMITTEE, BUTCH BAILLIE:

5 General Committee Rules, sorry, page 109-110.

6 General Committee Rules Section 18, Authority for
7 Declaring Strike Off.

8 The Bylaws Committee

9 recommendation. Your Bylaws Committee agrees in
10 principle with the Resolution submitted by
11 Division 764, but it is of the view that the TCRC
12 President must be involved in the decision in
13 assisting -- decision if assistance from the
14 national office has been supplied pursuant to
15 Bylaw Section 7(b).

16 Your Bylaws Committee recommends
17 to reject the Resolution submitted by Division 764
18 and to accept the Resolution submitted by the
19 Bylaws Committee. That Resolution:

20 "On any railway where a
21 strike is called for in
22 progress, the GC of A on the
23 railway involved shall have
24 absolute power to declare the
25 strike off except that the

1 concurrence of the TCRC
2 President will be required in
3 cases where assistance with
4 negotiations has been
5 supplied by the national
6 office pursuant to Bylaw
7 Section 7(p). Should the
8 strike continue for 10 days
9 or longer, the power to
10 declare the strike off shall
11 be vested in the GC of A on
12 the railway or system acting
13 in concurrence with the
14 Executive Board of the Rail
15 Conference."

16 I so move.

17 PRESIDENT SHEWCHUK: Microphone 2.

18 DELEGATE KEITH DEGERSTEDT: Keith
19 Degerstedt, 764, CTY.

20 I take some comfort in the fact
21 that the Bylaws Committee agrees in principle with
22 our Resolution. I'm just not sure if their
23 recommendation actually accomplishes our goal.

24 What we were trying to accomplish
25 is to have the general committees make the

1 decisions on strikes. We feel that one man should
2 not have absolute power to declare a strike off.

3 I have no polite words to describe
4 how our members in western Canada felt and I
5 encourage some of the other Delegates to voice
6 that concern.

7 PRESIDENT SHEWCHUK: Could we have
8 Slide 2, please? Motion to accept the Bylaw
9 Committee recommendation. Please vote now.
10 RESULTS ARE: 122 in favour; 35 against
11 CARRIED

12 BYLAWS COMMITTEE, BUTCH BAILLIE:
13 Page 111, General Committee Rules Section 24(b),
14 GC of A Decisions Stand as Law.

15 The Bylaws Committee
16 recommendation. Your Bylaws Committee recommends
17 to accept the Resolution submitted by the TCRC
18 President. I so move.

19 PRESIDENT SHEWCHUK: Discussion.
20 Slide 2, please. Please vote now.
21 RESULTS ARE: 148 in favour; 9 against
22 CARRIED

23 BYLAWS COMMITTEE, BUTCH BAILLIE:
24 Page 112-113, General Committee Rules Section
25 28(b), Expenses of Committee.

1 The Bylaws Committee
2 recommendation. It is difficult for your Bylaws
3 Committee to give serious consideration to the
4 Resolution submitted by Division 728.

5 When contrasted against the
6 existing bylaw language, the Resolution submitted
7 by Division 728 would appear to propose to
8 eliminate the authority to pay the legitimate
9 expenses of the general committee and also to
10 eliminate the general committee's dues altogether.

11 Regarding the proposed included
12 language relative to pension income, the Bylaws
13 Committee cannot support such a, such a provision.

14 Numerous TCRC members have retired
15 and gone to work for short lines or other
16 TCRC-represented entities while collecting a
17 pension which pertains to their craft. Mitigating
18 the General Chairman's salary by deducting pension
19 income or any other form of income unrelated to
20 the General Chairman's position would be
21 abhorrently wrong and quite possibly illegal.

22 Your Bylaws Committee recommends
23 to reject the Resolution submitted by Division 728
24 and to retain present law. I so move.

25 PRESIDENT SHEWCHUK: Discussion.

1 Slide 2. Motion to accept Bylaw
2 Committee recommendation. Please vote now.
3 RESULTS ARE: 154 in favour; five against
4 CARRIED

5 BYLAWS COMMITTEE, BUTCH BAILLIE:
6 Page 114, General Committee Rules Section 33,
7 Statute of Limitations.

8 The Bylaws Committee
9 recommendation. Your Bylaws Committee recommends
10 to accept the Resolution submitted by the TCRC
11 President. I so move.

12 PRESIDENT SHEWCHUK: Discussion.
13 Slide 2, please. Accept the Bylaw
14 Committee recommendation. Please vote now.
15 RESULTS ARE: 154 in favour; 5 against
16 CARRIED

17 BYLAWS COMMITTEE, BUTCH BAILLIE:
18 Page 115, General Committee Rules Section 34(c),
19 Representation, Establishment of Seniority and
20 Mileage Regulations.

21 The Bylaws Committee
22 recommendation. As a result of the Resolution
23 submitted by the TCRC President, your Bylaws
24 Committee reviewed the entire Section 34 and
25 determined that paragraph 9(c) should be

1 eliminated altogether, as it does not pertain to a
2 general committee issue.

3 Your Bylaws Committee recommends
4 to reject the Resolution submitted by the TCRC
5 President and to accept the Resolution submitted
6 by the Bylaws Committee.

7 And that Resolution is the
8 complete removal of (c). I so move.

9 PRESIDENT SHEWCHUK: Discussion.
10 Slide 2, please. Please vote now.

11 RESULTS ARE: 144 in favour; 12 against
12 CARRIED

13 BYLAWS COMMITTEE, BUTCH BAILLIE:
14 Page 116, General Committee Rules Section 34,
15 Representation, Establishment of Seniority and
16 Mileage Regulations.

17 The Bylaws Committee
18 recommendation. Your Bylaws Committee proposes to
19 change the title of Section 34 to more suitably
20 reflect its contents.

21 Your Bylaws Committee recommends
22 to accept the Resolution submitted by the Bylaws
23 Committee. That Resolution is to change the title
24 to Schedule Rules. I so move.

25 PRESIDENT SHEWCHUK: Discussion.

1 Slide 2, please. Please vote now.
2 RESULTS ARE: 149 in favour; 10 against
3 CARRIED

4 BYLAWS COMMITTEE, BUTCH BAILLIE:
5 Page 117-118, General Committee Rules Section 39,
6 Contract Procedures.

7 The Bylaws Committee
8 recommendation: Your Bylaws Committee understands
9 the concerns expressed by Division 528. However,
10 adoption of the proposed resolution would by no
11 means automatically result in a more satisfactory
12 process.

13 The first consideration must be
14 the law. Contract ratification is not governed by
15 the TCRC Bylaws alone. Canadian law establishes
16 the process used to ratify contracts, including
17 the composition of the voting body.

18 The second consideration is based
19 on the proposed language alone and how it would
20 manifest itself in the dynamics of negotiations
21 and ultimately the ratification.

22 The resolution proposed by
23 Division 528 would effectively give a veto power
24 to the members of each General Committee of
25 Adjustments. While it is fair to argue that the

1 membership of a large GC of A can dominate the
2 ratification process, giving a very small GC of A
3 the power to turn down the agreement when a
4 majority of members are in favour would be equally
5 unbalanced.

6 There is no exact science
7 applicable to negotiations. Shifting the pendulum
8 from the larger GC of A to the smaller one will
9 change the picture but will not make the
10 ratification process any less controversial.

11 Your Bylaws Committee recommends
12 to reject the resolution submitted by Division 528
13 and to retain present law.

14 I so move.

15 PRESIDENT SHEWCHUK: Microphone 2.

16 DELEGATE GALANDY: Motion to amend
17 to go from where we are now to --

18 PRESIDENT SHEWCHUK: Do you have
19 it written out?

20 DELEGATE GALANDY: No.

21 PRESIDENT SHEWCHUK: Is it a major
22 one or just --

23 DELEGATE GALANDY: To amend their
24 proposal.

25 PRESIDENT SHEWCHUK: All right.

1 Read it, please.

2 DELEGATE GALANDY: I had better
3 come back.

4 --- Pause

5 PRESIDENT SHEWCHUK: Just to
6 clarify in regards to this one, it has just been
7 pointed out by Mr. Shields that to make an
8 amendment we would have to first vote on the
9 Committee's recommendation and reject the
10 recommendation, which would put us back to the
11 ability to make an amendment to the original.

12 So the vote would have to be
13 rejected on the Bylaws Committee's recommendation.

14 So if there are no other delegates
15 at the microphone, I would ask for slide 2,
16 please.

17 Motion to accept. Please vote
18 now.

19 --- VOTING

20 RESULTS ARE: 126 in favour; 22 against

21 CARRIED

22 BYLAWS COMMITTEE, RAYMOND DONEGAN:
23 Good afternoon, Brothers and Sisters.

24 We are going to Legislative Rules,
25 Section 1(j), page 59 of our Bylaws, Provincial

1 Boards. Page 120 of our Resolutions.

2 Bylaws Committee recommendation:

3 By virtue of the current legislative rules --

4 PRESIDENT SHEWCHUK: Sorry,
5 microphone 1.

6 DELEGATE SMITH: Rob Smith,
7 Division 381, Locomotive Engineer.

8 That is 381's resolution and we
9 would like to withdraw it.

10 PRESIDENT SHEWCHUK: We didn't
11 hear it being read yet. So thank you.

12 Withdrawal of Division 381
13 submission.

14 BYLAWS COMMITTEE, RAYMOND DONEGAN:
15 All right, carrying on.

16 On page 121 of our Resolution
17 book, Legislative Rules, Section 1(k), Provincial
18 Boards.

19 Bylaws Committee recommendation:
20 Your Bylaws Committee recommends to accept the
21 resolution as submitted by the TCRC President.

22 I so move.

23 PRESIDENT SHEWCHUK: Discussion?
24 Slide 2, please.

25 Motion to accept the Bylaws

1 Committee recommendation.

2 Please vote now.

3 --- VOTING

4 RESULTS ARE: 143 in favour; 3 against

5 CARRIED

6 BYLAWS COMMITTEE, RAYMOND DONEGAN:

7 Then on page 122, Legislative Rules, Section

8 2(a)(i), National Legislative Board.

9 Bylaws Committee recommendation:

10 Your Bylaws Committee recommends to accept the

11 resolution submitted by Division 162.

12 I so move.

13 PRESIDENT SHEWCHUK: Discussion?

14 Slide 2, please.

15 Please vote now.

16 --- VOTING

17 RESULTS ARE: 151 in favour; 4 against

18 CARRIED

19 PRESIDENT SHEWCHUK: Microphone 1.

20 Are you ready, Rob?

21 DELEGATE SMITH: No. I'm waiting

22 for the next resolution.

23 PRESIDENT SHEWCHUK: All right.

24 BYLAWS COMMITTEE, RAYMOND DONEGAN:

25 Page 123, Legislative Rules --

1 PRESIDENT SHEWCHUK: Sorry,
2 microphone 1.

3 DELEGATE SMITH: Rob Smith,
4 Division 381, Locomotive Engineer.

5 I would like to withdraw 381's
6 resolution.

7 PRESIDENT SHEWCHUK: Thank you.
8 The resolution has been withdrawn
9 by Division 381. Thank you.

10 BYLAWS COMMITTEE, RAYMOND DONEGAN:
11 Brothers and Sisters, page 124, Legislative Rules
12 Section 2(a)(i), National Legislative Board.

13 Bylaws Committee recommendation:
14 This is another housekeeping item related to the
15 changes sought in Bylaws Section 1 and Bylaws
16 Section 6 related to the method of electing the
17 National Legislative Director.

18 Your Bylaws Committee recommends
19 to reject the resolution submitted by Division 258
20 and retain present law.

21 I so move.

22 PRESIDENT SHEWCHUK: Discussion?
23 Slide 2, please. Motion to accept
24 the Bylaws Committee recommendation.

25 Please vote now.

1 --- VOTING

2 RETURNS ARE: 150 in favour; 5 against

3 CARRIED

4 BYLAWS COMMITTEE, RAYMOND DONEGAN:

5 Brothers and Sisters, we will move on to pages 125

6 and 126, Legislative Rules, Section 2(a)(ii),

7 National Legislative Board.

8 Bylaws Committee recommendation:

9 The TCRC is no different than any other

10 organization in that it requires structure to

11 function properly. The above resolutions propose

12 that the National Legislative Director be exempt

13 from that structure and operate under the

14 direction of the National Legislative Board

15 instead of the TCRC President.

16 Significant funds and resources

17 are expended on behalf of the membership to elect

18 the TCRC President by membership vote.

19 As the principal Executive Officer

20 of the TCRC, the TCRC President is responsible for

21 the TCRC on a national basis, including the

22 overall direction of the National Legislative

23 Director.

24 No possible benefit is gained by

25 the membership through removing that

1 responsibility and authority from the TCRC
2 President and placing it in the hands of the
3 National Legislative Board.

4 Your Bylaws Committee recommends
5 that you reject the resolutions submitted by
6 Division 764 and Division 832 and retain present
7 law.

8 I so move.

9 PRESIDENT SHEWCHUK: Discussion?
10 Microphone 3.

11 DELEGATE ISAAK: Lyndon Isaak,
12 847, Locomotive Engineers.

13 The whole point of having a board
14 is to run it like a board. The National
15 Legislative Board has a Chairman and the Chairman
16 is directed by his board, just like the General
17 Chairman is directed by the members of the GCA.

18 It only makes sense.

19 We all work under the direction of
20 the President anyway. That's a given.

21 What we are saying is that the
22 Chairman should follow the instruction of the
23 National Legislative Board. That's all there is
24 really to it.

25 PRESIDENT SHEWCHUK: Thank you.

1 Seeing no additional Delegates at
2 the microphones, could we have slide 2, please.

3 Motion to accept the Bylaws
4 Committee recommendation.

5 Please vote now.

6 --- VOTING

7 RESULTS ARE: 124 in favour; 33 against

8 CARRIED

9 BYLAWS COMMITTEE, RAYMOND DONEGAN:
10 Page 127, Legislative Rules, Section 2(b),
11 National Legislative Board.

12 Bylaws Committee recommendation:
13 Legislative Rules, Section 1(j), provides that the
14 convening of the provincial Legislative Boards
15 will follow the results of Division elections
16 unless a majority of the members of the board deem
17 it advisable to convene at some other time.

18 There are two proposed resolutions
19 to change the timing of the Divisions' elections,
20 through changes to Division Rules, Section 5.

21 In both cases the Bylaws Committee
22 has recommended to reject and keep the Divisional
23 elections on a triennial term. It follows that
24 the Provincial Legislative Boards, and then by
25 extension the National Legislative Board, should

1 also continue on a triennial schedule.

2 Your Bylaws Committee recommends
3 to reject the resolution submitted by Division 381
4 and retain present law.

5 I so move.

6 PRESIDENT SHEWCHUK: Microphone 1.

7 DELEGATE SMITH: Rob Smith,
8 Division 381, Locomotive Engineer.

9 It is felt, since we have had a
10 change in the term for Divisions' elections now to
11 four years, and there has also been adoption of
12 the Provincial Legislative Boards, other than the
13 one in Saskatchewan, to four years, I really feel
14 that the National Legislative Board should also
15 fall in line with the four years, along with this
16 Convention.

17 Thank you.

18 PRESIDENT SHEWCHUK: Thank you.

19 Microphone 2.

20 DELEGATE BRUNET: Benoit Brunet,
21 Division 258, Locomotive Engineer.

22 I would like to speak in favour of
23 this resolution for the same reasons we had for
24 the Division, training and all that. If not four
25 years, at least maybe look at the possibility of

1 amending this to provide the same opportunity to
2 extend with the approval of the Delegates of the
3 board to four years.

4 PRESIDENT SHEWCHUK: Just for
5 clarification, you are speaking against the
6 recommendation.

7 DELEGATE BRUNET: Yes, against the
8 recommendation of the --

9 PRESIDENT SHEWCHUK: Of the Bylaws
10 Committee.

11 DELEGATE BRUNET: And we will come
12 back to amend.

13 PRESIDENT SHEWCHUK: Thank you.

14 SPECIAL ADVISOR, TCRC BYLAWS
15 COMMITTEE, CHRIS SMITH: I just want to clarify
16 something here.

17 If you look at our reasons for
18 recommending to reject, it was based solely on the
19 fact that we were recommending the same thing at
20 the Division level.

21 Now that you have gone in another
22 direction -- I can't tell you what to do. But it
23 seems a little obvious to me.

24 And we won't take it personal if
25 you reject this one.

1 --- Applause

2 PRESIDENT SHEWCHUK: Any further
3 discussion?

4 Could we have slide 2, please.

5 Motion to accept the Bylaws
6 Committee recommendation.

7 Please vote now.

8 --- VOTING

9 RESULTS ARE: 11 in favour; 146 against
10 DEFEATED

11 PRESIDENT SHEWCHUK: To bring back
12 the motion that was originally -- sorry, go ahead.
13 Microphone 1.

14 DELEGATE SMITH: Yes, I would like
15 to make a motion to accept the resolution accepted
16 by Division 381.

17 PRESIDENT SHEWCHUK: Microphone 1.

18 DELEGATE HAMEL: I second that.

19 I think everybody knows me by now.

20 PRESIDENT SHEWCHUK: Thank you.

21 Discussion?

22 No further discussion.

23 Could we have slide No. 8, please.

24 Accept the motion from the floor:
25 that is, the resolution submitted by Division 381.

1 Please vote now.

2 --- VOTING

3 RESULTS ARE: 155 in favour; 3 against

4 CARRIED

5 BYLAWS COMMITTEE, RAYMOND DONEGAN:

6 Brothers and Sisters, on pages 128 and 129,

7 Legislative Rule Section 2(c), National

8 Legislative Board.

9 Bylaws Committee recommendation:

10 There always exists the potential for

11 jurisdictional overlap between the Legislative

12 Boards and the General Committees during the

13 course of a member representation due simply to

14 the fact that while most working conditions are

15 dictated by contracts with employers, working

16 conditions can also be impacted by law or

17 government statute. And that is a fact of life.

18 The National Legislative Board

19 operates on a budget submitted to and approved by

20 the Rail Conference Executive Board. Excess

21 funds, if any, remain in the General Fund in

22 accordance to the Legislative Rules Section

23 5(a)(ii).

24 The resolution submitted by

25 Division 764 would effectively obligate the

1 National Legislative Board to fund a General
2 Committee's expenses in relation to any issue
3 arising, which involves cross-jurisdiction.

4 Your Bylaws Committee is concerned
5 such a measure is one-sided and can place an
6 unfair portion of the financial responsibility on
7 the National Legislative Board, resulting in
8 costs, both significant and unanticipated.

9 Your Bylaws Committee prefers the
10 present system where the General Committees and
11 the National Legislative Board remain equally
12 responsible in matters involving
13 cross-jurisdiction.

14 In addition, General Committees
15 may, as has been done in the past, seek assistance
16 from the TCRC National Office when dealing with
17 issues of national significance.

18 Your Bylaws Committee recommends
19 to reject the resolution submitted by Division 764
20 and retain present law.

21 I so move.

22 PRESIDENT SHEWCHUK: Microphone 2.

23 DELEGATE DEGERSTEDT: Keith
24 Degerstedt, 764 CTY.

25 Our Division believes the

1 Legislative Department should be taking a more
2 active role in policing of the law, as this truly
3 is the Department's paramount responsibility.

4 With the adoption of this
5 resolution, the Legislative Department, when so
6 directed by the President, will spearhead
7 complaints against law breakers, freeing up the
8 time of the General Committees to handle
9 protective business.

10 It is not our intention to break
11 the Legislative Department's back and we do not
12 see this as unfairly placing the financial
13 responsibility upon the Legislative Department.
14 We see it as more fairly and sure that matters of
15 violations of the code are properly handled by the
16 Department responsible for them.

17 PRESIDENT SHEWCHUK: Microphone 3.

18 DELEGATE RUTZKI: Chad Rutzki,
19 Division 896, CQI Regina.

20 I have to agree with Brother
21 Degerstedt on this fact because in the past years
22 I have been involved in both situations or aspects
23 of the union, the legislative side and the
24 protective side. And although it's a non-issue
25 now, we need the resources from the Leg Department

1 to assist the General Chairman against some of the
2 companies' actions or the carriers' actions
3 involving the law, which the collective agreement,
4 although it may cover, they are not abiding by.

5 So if there is any power that we
6 can use in this union, whether it's legislative or
7 protective, we have to use all the resources
8 against the carriers.

9 PRESIDENT SHEWCHUK: Thank you.
10 No further Delegates at the
11 microphones.

12 Could we have slide 2, please.
13 Accept the Bylaws Committee
14 recommendation.

15 Please vote now.

16 --- VOTING

17 RESULTS ARE: 91 in favour; 67 against
18 CARRIED

19 PRESIDENT SHEWCHUK: Microphone 3.

20 DELEGATE MERCER: Robert Mercer,
21 Division 832, Locomotive Engineers.

22 Due to an error in our original
23 submission on page 134, 832 would like to withdraw
24 that.

25 Thank you.

1 PRESIDENT SHEWCHUK: Page 134, you
2 said? Okay, thank you.

3 --- Pause

4 PRESIDENT SHEWCHUK: Microphone 2.

5 DELEGATE RATHGEBER: Lewis
6 Rathgeber, Division 764, Locomotive Engineer,
7 Melba, Saskatchewan.

8 We are also withdrawing that same
9 page.

10 PRESIDENT SHEWCHUK: So page 134,
11 Division 764 submission has been withdrawn.

12 BYLAWS COMMITTEE, RAYMOND DONEGAN:
13 Brothers and Sisters, on page 30, Legislative
14 Rules, Section 3(a), Officers Convening Board.

15 Bylaws Committee recommendations:
16 Your Bylaws Committee has reviewed this
17 resolution, assuming that Division 258 means
18 quadrennially as opposed to quarterly.

19 Either way, it does not enjoy the
20 support of the Bylaws Committee.

21 At present, the convening of the
22 Legislative Boards is immediately following the
23 results of the Division elections, which at the
24 time this report was prepared was on a triennial
25 basis.

1 There are two proposed resolutions
2 to change the timing of Division elections,
3 through changes to Division Rule Section 5. In
4 both cases the Bylaws Committee has recommended to
5 reject and keep the Division elections on a
6 triennial term.

7 Your Bylaws Committee recommends
8 to reject this resolution submitted by Division
9 258 and retain present law.

10 I so move.

11 PRESIDENT SHEWCHUK: Microphone 2.

12 DELEGATE BRUNET: Benoit Brunet,
13 Division 258, Locomotive Engineer.

14 My first comment can be confused.
15 I wasn't very clear.

16 The National Board should be
17 convened every four years. I would ask the
18 Delegates to reject the recommendation from the
19 Bylaws Committee.

20 PRESIDENT SHEWCHUK: Thank you.

21 Seeing no further Delegates at the
22 microphone, could we have slide 2, please.

23 Please vote now.

24 --- VOTING

25 RESULTS ARE: 15 in favour; 139 against

1 DEFEATED

2 PRESIDENT SHEWCHUK: Microphone 1?
3 No? Okay.

4 Microphone 2.

5 DELEGATE BRUNET: I would like to
6 move to amend the original submission to
7 quadrennial instead of quarterly.

8 You first have to bring it back.
9 You have to make a motion to accept the resolution
10 from 258.

11 DELEGATE BRUNET: I would like to
12 move to bring back the resolution of 258.

13 PRESIDENT SHEWCHUK: Microphone 1.

14 DELEGATE SMITH: Rob Smith,
15 Division 381, Locomotive Engineer.

16 I would like to second that
17 motion.

18 PRESIDENT SHEWCHUK: Thank you.

19 DELEGATE BRUNET: And I would like
20 to make that amendment to quadrennial instead of
21 quarterly.

22 PRESIDENT SHEWCHUK: For the sake
23 of saving a little bit of time and going through
24 all this, could we just say it was a typo?

25 DELEGATE BRUNET: It was a typo.

1 PRESIDENT SHEWCHUK: It was a
2 typo. Okay.

3 Any discussion on the resolution
4 submitted by Division 258, which says quadrennial?

5 Could we have slide 8, please.

6 Accept a motion from the floor.

7 Please vote now.

8 --- VOTING

9 RESULTS ARE: 155 in favour; 0 against

10 CARRIED

11 --- Applause

12 PRESIDENT SHEWCHUK: The first
13 one.

14 Microphone 1.

15 DELEGATE SMITH: Yes, Rob Smith,
16 Division 381, Locomotive Engineer.

17 I would like to withdraw the
18 resolution submitted by Division 381 on page 131.

19 PRESIDENT SHEWCHUK: Resolution
20 withdrawn by Division 381, listed on page 131.

21 Thank you.

22 BYLAWS COMMITTEE, RAYMOND DONEGAN:
23 Brothers and Sisters, Legislative Rules, Section
24 5(a)(i): Membership assessments, how levied.

25 Your Bylaws Committee

1 recommendation: your Bylaws Committee agrees with
2 the change proposed by Division 258, but
3 additional change is required to reflect the
4 present day operation wherein the
5 Secretary-Treasurer of each General Committee is
6 responsible for the disbursement of funds.

7 Your Bylaws Committee recommends
8 to reject the resolution submitted by Division 258
9 and accept the resolution submitted by the Bylaws
10 Committee.

11 The resolution submitted by the
12 Bylaws Committee is:

13 "(a) (i) all expenses incurred
14 of the National Board, when
15 convened for any purpose of
16 legislation, shall, except as
17 otherwise agreed or provided,
18 be raised by an equal
19 assessment on all active
20 members of the Rail
21 Conference.

22 The secretary-treasurer of
23 each general committee shall,
24 upon receipt of notice,
25 forward to the

1 Secretary-Treasurer of the
2 Rail Conference, a list of
3 assessable members of the
4 general committee. The Rail
5 Conference Secretary, upon
6 receipt of the same, shall
7 make a pro rata assessment
8 notifying the
9 secretary-treasurer of each
10 general committee the amount
11 due from their committee.
12 Remittance of such dues shall
13 be within 30 days of receipt
14 of the notice of assessment."

15 (As read)

16 I so move.

17 PRESIDENT SHEWCHUK: Discussion?
18 Microphone 1.

19 DELEGATE HAMEL: Mark Hamel, 319.

20 We just went through this a while
21 back with the short lines and the dues. Is this
22 going to affect the short lines as well? Like
23 wouldn't you decide to lower the dues for the
24 short lines to help them out?

25 Is the legislative going to be

1 reduced as well or, if this passes, the
2 legislative dues will stay the same, correct?

3 PRESIDENT SHEWCHUK: I don't
4 remember the language on the other motion on the
5 dues reduction. I will just have to check on
6 that, Mark.

7 DELEGATE HAMEL: Yes, okay.

8 PRESIDENT SHEWCHUK: To see if
9 there is an impact.

10 Mike No. 3 or 2, sorry.

11 DELEGATE BRUNET: Division 258, as
12 a matter of clarification maybe, I think, they
13 accept or otherwise agreed to provide and that
14 covers it.

15 It's already overdoing the
16 trainmen and short lines are not paying as much as
17 other people. So I think that covers it.

18 PRESIDENT SHEWCHUK: Okay.

19 That's satisfactory, Brother
20 Hamel?

21 DELEGATE HAMEL: (Off microphone)

22 PRESIDENT SHEWCHUK: Okay, thank
23 you.

24 Further discussion?

25 Slide 2, please. Accept the

1 Bylaws Committee Recommendation.

2 Please vote now.

3 RESULTS ARE: 145 in favour, 8 against

4 CARRIED

5 BYLAWS COMMITTEE, RAYMOND DONEGAN:

6 And Brothers, page 137, 138 and on to 139, the
7 legislative rules, section 5(a)(ii); membership
8 assessments, how levied.

9 The Bylaws Committee
10 recommendation: Your Bylaws Committee agrees with
11 the principle advanced by Division 258 but prefers
12 the wording in the resolution submitted by the
13 Bylaws Committee.

14 The Bylaws Committee recommends to
15 reject the resolution submitted by Division 258,
16 and accept the resolution submitted by the Bylaws
17 Committee.

18 The resolution submitted by the
19 Bylaws Committee reads "(a)(ii)" -- it all reads
20 exactly the same as the present law right down to
21 the very bottom where the last paragraph says:

22 "All excessive funds from
23 these dues remaining at the
24 end of the fiscal year shall
25 be transferred to the general

1 fund and that amount will be
2 clearly distinguishable in
3 the Rail Conference Annual
4 Audit." (As read)

5 I so move.

6 PRESIDENT SHEWCHUK: Discussion?

7 The motion is on the screen.

8 Please vote now.

9 RESULTS ARE: 141 in favour, 5 against

10 CARRIED

11 BYLAWS COMMITTEE, RAYMOND DONEGAN:

12 And Brothers and Sisters, on page 140, 141 and
13 142, legislative rules, section 5(a)(ii),
14 membership assessments, how levied.

15 The Bylaws Committee
16 recommendation -- the resolution submitted by
17 Division 832 proposes to:

18 "Redirect national
19 legislative dues away from
20 the TCRC General fund while
21 at the same time removing the
22 requirement for budget
23 approval from the TCRC
24 Executive Board." (As read)

25 The current provisions applicable

1 to the National Legislative Board dues have not
2 found their way into the TCRC Bylaws by accident.
3 They are there by design.

4 Your Bylaws Committee is concerned
5 with the overall theme being advanced through
6 proposals pertaining to the legislative rules
7 section, i.e. "that the National Legislative
8 Director no longer be under the direction of the
9 TCRC President"; i.e. "eliminate the budget
10 approval by the TCRC Executive Board and a
11 redirection of dues into a bank account to control
12 it exclusively by the National Legislative Board".

13 Your Bylaws Committee can see no
14 justification whatsoever for a redirection of dues
15 or for the removal of the TCRC Executive Board
16 approval of the NLB budget.

17 These initiatives do not serve the
18 best interests of the TCRC membership in general.

19 Your Bylaws Committee has
20 developed a resolution which provides clearer
21 language and clarity to this paragraph.

22 Your Bylaws Committee recommends
23 to reject the resolution submitted by Division 832
24 and accept the resolution submitted by the Bylaws
25 Committee.

1 The resolution submitted by the
2 Bylaws Committee (a) (ii):
3 "All members in active
4 service, including those
5 holding official positions
6 with the carrier, and those
7 employed exclusively by the
8 Rail Conference shall pay
9 National Legislative Board
10 dues as established by the
11 National Legislative Board.
12 These dues shall be remitted
13 to the Rail Conference by the
14 general committee or GC of A
15 secretary- treasurer along
16 with other dues and
17 assessments as provided by
18 section 27, TCRC Bylaws, and
19 shall be separately
20 allocated.
21 The National Legislative
22 Board shall prepare a budget
23 for the use of these dues
24 prior to the beginning of
25 each fiscal year and such

1 budget will be subject to the
2 approval of the Rail
3 Conference Executive Board.
4 These dues shall be used by
5 the National Legislative
6 Board for the following:
7 (1) Actions with respect to
8 any programs by the federal
9 government or any national
10 agency/railway associations;
11 (2) Rail safety committees;
12 (3) Lobbying efforts with
13 respect to the federal
14 government;
15 (4) Additional education and
16 training.
17 All the excess funds from
18 these dues remaining at the
19 end of the fiscal year shall
20 be transferred to the TCRC
21 General fund." (As read)
22 I so move.
23 PRESIDENT SHEWCHUK: Microphone 3.
24 DELEGATE MERCER: Mercer, 832,
25 Locomotive Engineers.

1 I just want to take the Bylaws
2 Committee to task on being less than forthright
3 with the Brothers and Sisters here today. Three
4 times in their recommendation they used the
5 wording "removing the requirement for budget
6 approval by the TCRC Executive Board" then
7 "eliminate the budget approval by the TCRC
8 Executive Board and "removal of the TCRC Executive
9 Board of the NLB budget".

10 If you were to read on the top of
11 page 141 it clearly states in our resolution that:

12 "The budget shall be approved
13 by the Rail Conference
14 Executive Board." (As read)

15 I am going to give you the benefit
16 of the doubt that you overlooked it because it was
17 on the top of the page.

18 Thank you.

19 PRESIDENT SHEWCHUK: Thank you.

20 Microphone 2.

21 DELEGATE VAN EGMOND: To amend
22 this additional education and training, I believe
23 we have already got that covered under the \$5.00
24 dues increase.

25 PRESIDENT SHEWCHUK: The

1 additional education and training is the original
2 language contained inside the bylaws at present.

3 DELEGATE VAN EGMOND: Yes, they
4 can levy the dues as under these four items and
5 one being additional education and training.

6 I believe they already get their
7 funding -- well, they will get the funding out of
8 that \$5.00.

9 PRESIDENT SHEWCHUK: So your
10 amendment would be to...?

11 DELEGATE VAN EGMOND: Strike item
12 four.

13 PRESIDENT SHEWCHUK: Strike item
14 four. Do we have a seconder?

15 Microphone 3.

16 DELEGATE ISAAC: Yeah, okay, I
17 will second it. Lyndon Isaak, 847 Local,
18 Engineers.

19 PRESIDENT SHEWCHUK: Discussion on
20 the amendment to strike item four?

21 Microphone 2.

22 DELEGATE WELTER: Dave Welter,
23 132.

24 I have to be against that. I
25 think the Legislative Board training is for the

1 legislative reps and that is not part of what was
2 done here earlier.

3 If you strike that out of there,
4 the Legislative Board is only going to come back
5 and ask for more money for dues because they are
6 not going to have it.

7 And they set their own dues
8 anyway, I think. We don't set them here.

9 Thank you.

10 PRESIDENT SHEWCHUK: Thank you.

11 Microphone 1.

12 DELEGATE HAMEL: Mark Hamel, 319.

13 I agree. I don't like the
14 amendment be it for the simple fact that if the
15 Legislative Board wants to put additional training
16 to what the TCRC Executive Board is going to
17 offer, then why not?

18 PRESIDENT SHEWCHUK: Thank you.

19 Microphone 1.

20 DELEGATE SMITH: Rob Smith,
21 Division 381, Locomotive Engineer.

22 I feel that the additional
23 training may be looked at for the provincial
24 chairs across the country and therefore educate
25 them to better serve their membership.

1 PRESIDENT SHEWCHUK: Thank you.
2 Microphone 2.

3 DELEGATE VAN EGMOND: Tony Van
4 Egmond, Division 390, Transportation.

5 I believe, as Mr. Smith would say,
6 the level one, level two training, I believe there
7 was legislative training in that already.

8 Was I wrong --

9 PRESIDENT SHEWCHUK: No.

10 DELEGATE VAN EGMOND: -- or did I
11 hear -- everyone else hear something different?

12 PRESIDENT SHEWCHUK: No, there was
13 legislative training involved.

14 DELEGATE VAN EGMOND: So it's
15 already there. So you are asking for additional
16 funds on top of that.

17 Is that what they are asking for?

18 PRESIDENT SHEWCHUK: No, no.

19 DELEGATE VAN EGMOND: So why would
20 you have four in there if you are not asking for
21 additional?

22 That's all I have got to say.

23 PRESIDENT SHEWCHUK: All right.
24 Okay, thank you.

25 Microphone 3.

1 DELEGATE REDGRIFT: Tom Redgrift,
2 Division 68, CTY.

3 Is it possible that this is all
4 just part of the original wording and would be
5 changed when the other stuff is implemented
6 anyway, as far as Tony is concerned about the
7 \$5.00?

8 PRESIDENT SHEWCHUK: No, not
9 necessarily, no.

10 DELEGATE REDGRIFT: Okay.

11 PRESIDENT SHEWCHUK: No, it
12 wouldn't just normally transfer from the other
13 motion, in my opinion, from what I have read in
14 the other motion. That's not going to cut it, in
15 essence.

16 DELEGATE REDGRIFT: So they are
17 separate entities, then?

18 PRESIDENT SHEWCHUK: In essence,
19 that's the way it was before, but yes. And they
20 still remain unless you rectify it here.

21 DELEGATE REDGRIFT: Okay, thank
22 you.

23 PRESIDENT SHEWCHUK: Okay.

24 For a point of clarification I
25 will ask Brother Wheten to speak to that.

1 NATIONAL LEGISLATIVE DIRECTOR

2 WHETEN: As I said in my report yesterday, that is
3 for specialized training like the Brother from
4 Division 381 said.

5 For example, as I said yesterday,
6 when we meet we generally have a day or two of
7 training. We only meet twice a year normally.
8 And I will give you an example -- and you wouldn't
9 get this training with the level one and level two
10 that we have got now, the general training.

11 We are struggling with risk
12 assessments right now. They are very specialized.
13 To be honest with you, the railways are beating us
14 on them because we don't have the training. We
15 already took some but it wasn't sufficient for our
16 needs and we will be having that training again
17 when we meet next month in October.

18 And so what we are speaking to
19 here is specialized training for myself and the
20 provincial legislative chairmen. We do require
21 different training than is being provided
22 generally.

23 I can assure you the costs are
24 minimal.

25 Thanks.

1 PRESIDENT SHEWCHUK: Thank you.

2 So the discussion on the amendment
3 to strike number four, additional education and
4 training.

5 Okay. Seeing no further delegates
6 at the mike, could we have screen No. 3?

7 Please vote now.

8 RESULTS ARE: 36 in favour, 122 against
9 DEFEATED

10 PRESIDENT SHEWCHUK: The amendment
11 fails. Return to the Bylaws Committee
12 recommendation to reject the resolution.

13 Microphone 2.

14 DELEGATE RATHGEBER: Lewis
15 Rathgeber, Division 764, Locomotive Engineer.

16 I want to withdraw page 143,
17 please.

18 PRESIDENT SHEWCHUK: Thank you.

19 Page 143, Division 764 has
20 withdrawn their resolution.

21 RESOLUTION WITHDRAWN

22 PRESIDENT SHEWCHUK: Microphone 1.

23 DELEGATE McCLELLAND: Ray
24 McClelland, Kamloops, 855.

25 I would like to make an amendment

1 to the motion. I don't see a problem with adding
2 more money for additional education and training.

3 My concern is it filtering out the
4 bottom and going into the general fund. So I wish
5 to amend it up. I wrote it up. I wrote it up
6 there.

7 PRESIDENT SHEWCHUK: Okay.

8 Line has it now?

9 DELEGATE McCLELLAND: Yes.

10 PRESIDENT SHEWCHUK: Okay, thanks.

11 So we will just wait till you pop it up.

12 --- Pause

13 PRESIDENT SHEWCHUK: Microphone 1.

14 DELEGATE NIJJAR: Gord Nijjar,

15 Division 320, CTY, Vancouver.

16 Mr. President, just some
17 clarification. Were we not supposed to defeat the
18 recommendation from the committee before we can
19 make amendments?

20 PRESIDENT SHEWCHUK: Not in this
21 case because it's a motion to accept, not reject,
22 and the motion to accept the submission of the
23 Bylaws Committee.

24 --- Pause

25 PRESIDENT SHEWCHUK: Microphone 3.

1 DELEGATE SINGER: Al Singer,
2 Division 563, Cranbrook, B.C., Locomotive
3 Engineer.

4 Question to the Bylaws Committee.
5 We are wrestling with this proposal where we are
6 taking in more money than we are paying out and it
7 seems consistently.

8 I am just curious to know if the
9 Bylaws Committee tackled the question of setting
10 the amount of dues that is collected against
11 what -- the budget set by the Executive Board. It
12 would seem to make more sense to take that
13 approach to it than have this money being then
14 diverted into general funds.

15 SPECIAL ADVISOR, BYLAWS COMMITTEE,
16 CHRIS SMITH: Brother Al, our thought on that was
17 under the present system the budget is submitted.
18 Our information was that no activity has ever been
19 denied as far as limited by that budget.

20 But by the same token, if you
21 lower the dues then now it becomes a lower cap.
22 Maybe some year will come where that budget will
23 be higher and it could be less money going in the
24 general fund.

25 If you start playing with the dues

1 then that's really going to limit some year when
2 there is maybe extraordinary things going on, on
3 the legislative side.

4 So that's why we didn't try and
5 step in that area with ours and make it something,
6 you know, that it wasn't.

7 Our concern, and at the same time
8 I will address the comment about taking us to
9 task -- I will do that right off the bat because
10 it's relative to what we are talking about right
11 now.

12 DELEGATE SINGER: Chris, if I can
13 just speak to that, that wasn't my comment.

14 SPECIAL ADVISOR, BYLAWS COMMITTEE,
15 CHRIS SMITH: No, no, I am not suggesting it was.

16 I don't care whose it was. It was
17 a comment directed at the Bylaws Committee and I
18 would just like to clarify and say why we did what
19 we did and why we say what we say. I think it's
20 important.

21 We received the submission by
22 Division 832 and their submission clearly strikes
23 the language that says, "subject to the approval
24 of" and substitutes "budgets shall be approved".

25 So when we look at that from the

1 Bylaws Committee we say, well, it already clearly
2 said that it was "subject to the approval" of the
3 Executive Board. They want the language changed
4 to read something else. What is the something
5 else?

6 To me, now, it's a direction that
7 it will be approved; not subject to approval.

8 So that was our position when we
9 considered this resolution. Otherwise, we see no
10 point in changing "subject to approval". What was
11 the purpose?

12 So just to explain why we took the
13 position we did on that issue.

14 DELEGATE SINGER: I think, thanks
15 for clarifying my point. Understood.

16 SPECIAL ADVISOR, BYLAWS COMMITTEE,
17 CHRIS SMITH: Yeah.

18 PRESIDENT SHEWCHUK: Thank you.

19 Brother Ray, is the slide correct?

20 DELEGATE McCLELLAND: Yes.

21 PRESIDENT SHEWCHUK: Could you
22 come back up to the mike and lead us through what
23 your changes are so everybody is clear?

24 Microphone 1.

25 DELEGATE McCLELLAND: Kamloops,

1 Ray McClelland, 855.

2 It's not to restrict your amount
3 of training that you want to put into it.

4 It's that if we are going to put
5 all this money into training I just personally
6 would like it to be left in training whether you
7 use it next year or whatever. Don't put it in the
8 general fund if you budget for training.

9 PRESIDENT SHEWCHUK: Any exact
10 changes on the document?

11 Okay, good.

12 --- Applause

13 PRESIDENT SHEWCHUK: Okay. Do we
14 have a seconder? We don't have a seconder to the
15 motion as yet -- or the amendment, I should say.

16 DELEGATE CHAPUT: Rene Chaput,
17 Division 240.

18 I would like to second that
19 motion.

20 PRESIDENT SHEWCHUK: Thank you.
21 Discussion on the amendment?

22 Microphone 1.

23 DELEGATE NIJJAR: Gord Nijjar, 320
24 Division, CTY, Vancouver.

25 Brother Ray, I have a question or,

1 I should say, Mr. President, I have a question
2 regarding four items in this budget.

3 Is the money allocated for each
4 item? Is that correct or it's just -- what I am
5 reading is it's just one budget and then it's up
6 to the director to allocate the money.

7 So if you do this amendment with
8 item four, there is no money allocated for four.
9 It's up to the director; is that not correct?

10 PRESIDENT SHEWCHUK: Right, the
11 dues shall be used, and that's in the prefacing
12 paragraph.

13 DELEGATE NIJJAR: But there is
14 no --

15 PRESIDENT SHEWCHUK: The dues
16 shall be used, but there is no dollar amount.

17 DELEGATE NIJJAR: No dollar amount
18 so how could you amend it, because there could be
19 zero in there?

20 PRESIDENT SHEWCHUK: You are
21 correct.

22 DELEGATE NIJJAR: Right. So that
23 amendment is incorrect. I think properly to do
24 that amendment would be to "all excess funds
25 carried forward to the following year" and so on.

1 Thank you.

2 --- Off record discussion

3 PRESIDENT SHEWCHUK: Just for
4 clarification, it was just pointed out and I --
5 Line, do you want to make sure that you have the
6 correct slide with the amendment on it? That is
7 the Bylaws Committee recommendation, not the
8 original submission, because it was the Bylaws
9 recommendation that was amended.

10 --- Pause

11 PRESIDENT SHEWCHUK: While we are
12 waiting for -- oh, okay. We have got it up.

13 Brother Ray, that's correct. It
14 still remains correct. Thank you.

15 Okay. So we are still in
16 discussion on the amendment.

17 Any further discussion?

18 Microphone 2.

19 DELEGATE BRUNET: Benoit Brunet,
20 Division 258, Locomotive Engineer.

21 I just want to be clear about this
22 one here. I think Mike spoke about additional
23 education and training. That's for the PLBs and
24 the officers, the PLBs and the NLR.

25 I don't know how we could

1 determine, you know, how we are going to get that
2 money to fund that training, specialized training
3 for the senior officers. So this really is going
4 to take a big two off the NLR to be trained on
5 issues like Mike says -- risk assessment. You
6 name it. There is a bunch of them.

7 It could be training given to us
8 by Transport Canada, all the PLBs are there and
9 how they do stuff, so we are able to address the
10 concerns of our members.

11 So I just want to make sure what
12 you are doing with this one here.

13 I think it is two separate items,
14 the education fund that TCRC has and this
15 definition of what the dues from the Executive
16 Board are used.

17 So for myself I will speak against
18 the amendment and speak in favour of the
19 recommendation of the TCRC -- the Bylaws
20 Committee.

21 PRESIDENT SHEWCHUK: Thank you.

22 Microphone 1.

23 DELEGATE HAMEL: Mark Hamel, 319,
24 point of order.

25 I don't think we have a seconder

1 on that motion or that amendment.

2 PRESIDENT SHEWCHUK: Yes, we did.

3 DELEGATE HAMEL: Oh, did we?

4 PRESIDENT SHEWCHUK: Yes.

5 DELEGATE HAMEL: Okay, I'm sorry.

6 PRESIDENT SHEWCHUK: Okay.

7 Microphone 1.

8 DELEGATE DOHERTY: John Doherty,

9 Division 355.

10 I'm just -- I guess I want to
11 bring up some food for thought here. When the
12 director makes his budget he is considering these
13 four things. Is that correct, the four things
14 here, one to four, additional training, lobbying
15 and so and so forth?

16 So when this money is coming to
17 the National Legislative Board from the body they
18 get it from -- I'm sorry. I am not that -- not
19 good with the terms.

20 But would it not make more sense
21 that when the National Legislative Board is
22 looking at item four for its training for the year
23 of its officers and directors and so on and so
24 forth, if that money is going to come out of the
25 training fund that we have made the \$5.00 levy

1 for, would it not make more sense to say instead
2 of letting the national legislative side keep it,
3 if they don't use it they return that specific
4 money from his budget to the education fund?

5 That way it keeps it out of the
6 general fund, which everybody seems to be
7 concerned about. Would that not be a better idea?

8 PRESIDENT SHEWCHUK: It's up to
9 the delegates.

10 Did you want to comment on that
11 for a point of clarification, just from a National
12 Legislative Director's position for clarification?

13 NATIONAL LEGISLATIVE DIRECTOR

14 WHETEN: Yeah, those four points are just
15 guidelines. When we look at the budget I
16 usually -- well, used last year as the guideline
17 and go from there really.

18 Our budget doesn't vary that much
19 from year to year.

20 I will give you an example. Like
21 last year we spent \$305,000. I think the year
22 before it was about \$290,000.

23 All the training that you are
24 talking to, like those are basically if a member
25 looked at our bylaws he would see in those four

1 things what we do. That's as much for our members
2 to understand what the legislative department does
3 as to guide us in our budget. That's really what
4 it's all about.

5 The training -- and you are right.
6 Like if we go to the general fund where the
7 training is with the \$5.00 you are just creating
8 work. If you said to me, for example, "You can't
9 use your own money. You have to go to the general
10 fund where the \$5.00 is" and then it's just a lot
11 of work for Jim and the girls to go get that
12 money. Why not take it out of the fund that we
13 have?

14 And we have not really a first set
15 of books but we do keep track of the spending that
16 the legislative board does.

17 I think you are sort of
18 misunderstanding these three points.

19 Our training probably -- because
20 we do the training -- if the guys come down to
21 Ottawa or wherever we meet, and usually it's
22 Ottawa, we just tack on a couple of days and it's
23 very inexpensive because the cost is in getting
24 them down there, flying them all the way down.

25 For example, I would say the

1 training that we do in a year, all of it probably
2 costs us an additional \$10 to \$15,000 and I think
3 it would be closer to \$10,000.

4 So those points are just
5 guidelines to say basically what the legislative
6 department does.

7 PRESIDENT SHEWCHUK: Thank you.
8 Any further discussion on the
9 amendments?

10 Can we have screen 3, please,
11 motion to accept the amendment to the motion?

12 Please vote now.

13 RESULTS ARE: 40 in favour; 116 against
14 DEFEATED

15 PRESIDENT SHEWCHUK: The amendment
16 fails. Return back to the original submitted by
17 the Bylaws Committee for discussion.

18 Microphone 3 -- Microphone 3, no
19 light.

20 DELEGATE ISAAK: Oh, it's working.

21 PRESIDENT SHEWCHUK: Okay, there
22 we go.

23 DELEGATE ISAAK: All right.

24 Lyndon Isaak, 847, Locomotive Engineers.

25 Back to what I actually really

1 wanted to talk about, was to seek some clarity
2 from the Bylaws Committee on the line here about
3 the Bylaws Committee being concerned with the
4 overall theme being advanced for proposals
5 pertaining to allegedly section so and so forth.

6 I am just curious as to what the
7 overall theme is you are referring to.

8 SPECIAL ADVISOR, BYLAWS COMMITTEE,
9 CHRIS SMITH: Basically, there was three -- when
10 you look at the legislative group all together,
11 there was a motion -- there was a resolution
12 submitted which would change the current structure
13 where the National Legislative Director would no
14 longer be under the direction of the TCRC
15 President.

16 Coupled with that in another
17 resolution was the resolution that the National
18 Legislative dues would no longer go into the
19 general fund, that they would be used exclusively
20 by and controlled by the National Legislative
21 Board.

22 So when we looked at that
23 combination of saying, okay, we want to -- number
24 one, we have got a system now that says that these
25 funds are subject to -- the budget is subject to

1 Executive Board approval. We are going to take
2 away that provision. We are not going to require
3 the approval.

4 That was the way we read that.
5 Otherwise, there was no reason to strike that
6 language.

7 On top of that, we are going to
8 direct the funds to the legislative side directly
9 and then coupled with, that the National
10 Legislative Director is not going to be under the
11 direction of the TCRC President.

12 So when we looked at those three
13 things coming together, to us it was not a healthy
14 situation to have that combination of things
15 happening. It was not in the members' best
16 interest for those three things to culminate like
17 that.

18 That was simply our view of it and
19 we have -- if we see it, we discuss it. And if
20 that's how we feel, we put it down on paper.
21 That's our responsibility to do that.

22 It may not be popular and it may
23 not be what some people want to hear but that is
24 our responsibility and that's what we have done.
25 --- Applause

1 PRESIDENT SHEWCHUK: Microphone 3.

2 DELEGATE ISAAK: Just for clarity
3 on that, Chris, I still believe and I already made
4 that known that the National Legislative Director
5 should work for the Board. He should be directed
6 by the Board and under the supervision of the
7 President, absolutely. But he should still take
8 direction from the Board because there is no sense
9 in having a Board otherwise.

10 But the second thing, I think when
11 you say "approved by the National Executive" the
12 budget for the NLB the wording I think was a
13 mistake. It should have been left the way it was.

14 But, you know, I'm not going to
15 start amending this now because it just gets too
16 long and too ugly a process.

17 But it's just -- you know you can
18 interpret this as kind of a personal attack on 832
19 and as this is my province I just want to clarify
20 that that was not your intent.

21 SPECIAL ADVISOR, BYLAWS COMMITTEE,
22 CHRIS SMITH: Absolutely not. Like I said, our
23 mandate is to -- and you can see with our
24 recommendations whether they be from any other
25 division or from the TCRC President, we don't play

1 any favourites. We go right down the centre. But
2 if we do have something to say we are going to say
3 it.

4 And in that resolution in
5 particular, the point you are talking about,
6 "subject to the" -- in that proposed resolution,
7 those words were struck out. So we could only
8 assume that you wanted a change by doing that.
9 There was no other way for us to see it.

10 Certainly there was no animosity
11 intended towards your division or any other
12 division or the TCRC President. It's like I said
13 before, we don't have a political agenda here.

14 DELEGATE ISAAK: Okay.

15 SPECIAL ADVISOR, BYLAWS COMMITTEE,
16 CHRIS SMITH: We have one responsibility, and that
17 is to what is in the best interest of the
18 membership. Let us put that out on paper, give it
19 to you as the delegates and you guys make the
20 decision.

21 But we have to give you our honest
22 assessment of it when we do that.

23 DELEGATE ISAAK; It sounded to me
24 like you were taking 832 to task and I was going
25 to step up in defence and say, you know, our

1 Brothers have the best interests of this whole
2 union in mind.

3 And on the legislative side, I am
4 new from -- you know, I came over from CN-CTY but
5 I think that your banner there says "Building the
6 Future" and I don't think we should relive the
7 past.

8 --- Applause

9 PRESIDENT SHEWCHUK: Any
10 further -- oh, Microphone 1.

11 DELEGATE SAUNDERS: Dustin
12 Saunders, Division 945, CTY.

13 I just wanted to speak in favour
14 of the Bylaws Committee recommendation. I think
15 that it serves its purpose on trying not to create
16 a miniature TCRC known as the National Legislative
17 Board, in that the Executive Board of the TCRC has
18 the, you know, financial control of how much we
19 give them and that they spend that responsibly and
20 what they don't spend we get back.

21 I think that's important. And I
22 think everything that was in the Bylaws Committee
23 resolution speaks to that.

24 I would also like to call -- move
25 to call a question at this point.

1 PRESIDENT SHEWCHUK: Can't do both
2 at the same time; can't speak to the motion and
3 then call a question.

4 --- Laughter

5 PRESIDENT SHEWCHUK: But let's put
6 it this way. We don't see anybody at the
7 microphone so instead of going through the process
8 of calling for the question and all related
9 paraphernalia, there is no further delegates at
10 the microphone.

11 Put up Slide No. 2, please, to
12 accept the Bylaws recommendation.

13 Please vote now.

14 RESULTS ARE: 142 in favour, 13 against.

15 CARRIED

16 PRESIDENT SHEWCHUK: Okay. It is
17 1723, a little overlap. We will recess in a
18 minute but I just -- did you want to come up to
19 the mike, Microphone 2, before we -- I'm sorry.

20 Okay. There is a few things we
21 have to -- so Microphone 2 first and then I will
22 go to --

23 DELEGATE PERESTRELO: Cesar
24 Perestrelo, Division 111, Smithers, CTY.

25 Just to show some solidarity and

1 unity, it would be nice to see delegates come
2 tomorrow with their TCRC T-shirts on.

3 Thank you.

4 PRESIDENT SHEWCHUK: Thank you.

5 --- Applause

6 PRESIDENT SHEWCHUK: Microphone 3.

7 DELEGATE MERCER: Mercer, Division
8 832 Local of Engineers.

9 Considering the time and I wanted
10 to cut down on the overtime everyone is getting
11 here after 1700 o'clock, I respectfully request a
12 resolution on page 144 be withdrawn.

13 PRESIDENT SHEWCHUK: Page 144 is
14 withdrawn by Division 832. Thank you.

15 RESOLUTION WITHDRAWN

16 PRESIDENT SHEWCHUK: Okay. So if
17 you recall earlier this morning, there was a
18 motion put forth to get a room so that all the
19 candidates -- as you know, the elections for
20 officers is tomorrow morning.

21 We were able to -- we have this
22 room available starting at 1830. But given that
23 we are a little bit late I'm not sure how you want
24 to handle it, if you want to go 1900 o'clock. It
25 doesn't matter. It's up to the delegates. This

1 is available.

2 The technicians, due to all of the
3 electronics in here, have asked us. They are
4 going to leave this mike on and one mike on the
5 floor and they are going to reduce all of the rest
6 for whatever reasons. They have got their own
7 reasons for doing that. So based on that that is
8 available.

9 The one thing I would ask is as
10 the candidates -- we need -- you know it was an
11 open request to say, "Let's have a room". Okay.
12 We have got the room.

13 Now, we should develop or have the
14 delegates develop some sort of rules of order in
15 how this is going to take place this evening
16 because at this point there is absolutely no
17 direction other than to show up.

18 What I was going to suggest, and
19 it's just a recommendation. It's up to you -- is
20 that for the interim, is to have Chris Smith kind
21 of act as the chair to kind of coordinate all the
22 ideas or thoughts that come from the delegates and
23 how you want to proceed with this.

24 I think it would be -- how do you
25 say -- a conflict of interest if I started to do

1 that. I don't think that that should be a proper
2 place for myself or anyone else. Chris is
3 independent so I would offer that as a solution if
4 it's acceptable and Chris is good with that.

5 --- Applause

6 PRESIDENT SHEWCHUK: So based
7 on -- oh, sorry, Microphone 2.

8 DELEGATE EDWARDS: I just have one
9 more question on the process for tonight.

10 I would like to suggest to the
11 delegates that all of the guests and anybody else
12 who would like to come is welcome inside the room
13 for the forum tonight.

14 --- Applause

15 PRESIDENT SHEWCHUK: Okay.
16 Microphone 1.

17 Don't leave, please. We have a
18 couple of -- one announcement before you leave.
19 Just please bear with us.

20 Microphone 1.

21 DELEGATE HAMEL: To maybe set some
22 rules, you may want to have like 10 minutes that
23 you can talk and then maybe a five minute question
24 and answer, for a total of 15 minutes for each
25 candidate? I don't know.

1 PRESIDENT SHEWCHUK: It's up to
2 you. If you want to just maybe discuss, spend a
3 few minutes before you all leave and spend that
4 time without us in the room or whatever? The
5 delegates decide and we are good with that.

6 Then just advise everybody that is
7 running for -- and I'm not sure who is in total.

8 DELEGATE UNKNOWN: What time?

9 PRESIDENT SHEWCHUK: Suggested was
10 1900. They will allow you at least to go out and
11 have a bite to eat. We are running a little bit
12 late. But anyway, at this point there is an
13 announcement. I will ask Brother Généréux to make
14 the announcement. It may be important.

15 TRUSTEE GÉNÉREUX: Okay. All the
16 delegates for CP Trainmen East, can you remain
17 here a couple of minutes? There is just somebody
18 who would like to talk to you.

19 That's it. Thank you.

20 PRESIDENT SHEWCHUK: Okay. So we
21 are on recess.

22 I am not sure what you would like
23 to do in the discussions you want to have with
24 Chris to set up the rules for this evening.

25 --- Upon recessing at 1729