

**Hospitality & Service Trades Union (UNITE HERE) Local
261
2-200 Cooper St. Ottawa, Ontario Canada
K2P 0G1 (613) 238-8136**

**UNITE
HERE!
LOCAL 261**



BY-LAWS

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BY-LAWS

ARTICLE I - NAME AND OBJECT

Section 1 - This organization shall be known as UNITE HERE (HSTU) Local 261 of Ottawa, Ontario, Canada affiliated with the UNITE HERE.

Section 2 - The purpose of the organization shall be: i) to organize all persons working under its jurisdiction; ii) to establish and maintain favourable wage scales and working conditions; iii) to elevate the moral, social and intellectual standing of our members; iv) to guard our members financial interests; v) to promote our member(general welfare and the local's cardinal principles (truth, justice and morality); and vi) to assist employers in the hospitality and service industries in all legitimate ways.

Section 3 - Wherever a masculine pronoun occurs in these bylaws, it shall be deemed to all genders.

ARTICLE II - MEMBERSHIP

Section 1 - The membership of this organization shall consist of an unlimited number of workers in the hospitality and service industry, or any other workers in other industries where, in the opinion of the Executive Board, the organization of such persons would be beneficial to and in the best interest of the Union, provided they agree to abide by the by- laws of this Local, as well as the Ritual and Constitution of UNITE HERE International Union as now in effect or as they may hereafter be amended.

Section 2 - Acquiring Membership, A person eligible for membership working within the jurisdiction of the Local Union, or an officer or employee of this Local Union or the International Union, making application for membership, shall become a member of the Local and the International Union upon receipt of the membership application and the dues and fees that may be required. Any member who desires to protest the membership of such person must do so within 30 days of receipt of the application for membership, by filing a protest with the Financial Secretary/Business Manager-of the Local Union. In the event of such protest, the Executive Board of the Union shall review the qualifications of such person and shall determine if the membership is to be revoked. The member shall be given notice that a protest of his membership has been filed and given an opportunity to appear before the Executive Board. The decision of the Executive Board shall be considered the decision of the Local Union and shall be appealable in accordance with Section 14 of Article XVII of the 2 International Constitution.

Section 3 - Whenever a member of this Local becomes a manager (not working in a craft of this Union), an owner or proprietor, or a working member of another Union, and not employed under the jurisdiction of the International Union, the member may be accepted for or hold membership in the local union only as a passive member, provided such person maintains no affiliation with a proprietor's organization or union hostile to this local or the International Union.

- a) Passive members shall not be entitled to voice or vote or to attend meetings of the Local Union. They shall be ineligible for election to any office in the Union or any position as a delegate representing the Union.
- b) Passive membership is hereby declared a privilege, revocable at will by the Local Union Executive Board or the International Union Presidents and shall not be appealable .
- c) Any member desiring to change his membership status from passive to active or active to passive

must appear before the Executive Board and such change of status can only be granted upon the approval of the Executive Board.

ARTICLE III - MEETINGS

Section 1 - Meeting Schedule The quarterly meetings of this Local shall be held on the third Monday (or on an alternate date selected by the Executive Board if the Monday is a statutory holiday) in the months of February, May, August, and November. All membership meetings of this Local shall be conducted in accordance with Roberts Rules of Order. The Executive Board shall meet every second month (ie January, March, May, July, September, November.)

Section 2 - Special meetings may be called, upon the written request of 25 members in good standing, or by the Secretary-Treasurer/Business Manager. In either case all the members shall be notified of such meeting by the Financial Secretary-Treasurer/Business Manager. No business shall be transacted other than that for which the meeting was called.

Section 3 - 15 members, including one qualified to preside, shall constitute a quorum for the transaction of all business.

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

Section 5 - Members shall be required to attend at least one (1) meeting per calendar year and take an active interest in the affairs of the Union. Failure to attend at least one meeting per calendar year may result in a member being assessed a fine of \$3.00.

ARTICLE IV - OFFICERS

Section 1 - The Officers of the Local shall be President, Vice-President, Financial Secretary-Treasurer/Business Manager. The President, Vice-President, Financial Secretary Treasurer/ Business Manager, Recording Secretary and five (5) Executive Board members from the rank and file shall constitute the Local Executive Board.

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

ARTICLE V - NOMINATION & ELECTION

Section 1 –

- a) Election of officers shall be held every 5 years. To be eligible to be nominated for office, a member must have been an active member in continuous good standing with the Local Union for a period of 12 calendar months immediately preceding nominations and employed or available for employment in the jurisdiction of the Local Union or an officer or employee of this Local Union or the International Union;
- b) In order for any member to be eligible to be nominated for any office in this Local, he must be present at the nominating meeting or must have submitted, in writing, a statement to the Financial Secretary-Treasurer/Business Manager prior to the opening of nominations, his willingness to accept the nomination if his name is proposed. A nominee can only be nominated for one office.

Section 2 - A reasonable opportunity shall be given to the members to nominate candidates for office. Nominations of officers shall be received at the regular meeting in the month of July, and every 5 years thereafter. Nominations shall be in writing, and signed by at least ten (10) members in good standing. Nominees shall sign the nomination form to confirm their acceptance of the nomination.

Section 3 - The election shall be held by secret ballot in the month of September among the members in good standing of the Local Union. The polls shall be open from 9:00 am. to 9:00pm.

Section 4 – The Financial Secretary-Treasurer, not less than fifteen (15) days prior to the date of nominations, shall give notice in writing, by regular mail to the last known address of each member in good standing, a notice of the offices to be filled. The Notice shall include the time, date, place and manner for submitting nominations, as well as the time, date and place of the election. The notice shall bear the signatures of both the President and the Financial Secretary-Treasurer/Business Manager.

Section 5 - An Election Committee of five, the majority appointed by the President and the minority appointed by the Vice-President, shall take charge of the election, and provide safeguards to insure a fair election. The Election Committee may only consist of members in good standing who are eligible to be officers or executive board members in the Local Union. No candidate for office or any officer serving out his term of office shall be eligible to serve on the Election Committee. In its discretion, and subject to the approval of the GEB, a Local may appoint to the committee persons who are members in good standing of another Local, in accordance with the UNITE HERE Constitution. The Election Committee shall pass on the eligibility of all candidates and their decision shall be subject to appeal to the International Union Presidents.

Section 6 - Any candidate shall have the right to have an observer at the polls and at the counting of the ballots.

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

Section 8 - The installation of all officers shall take place at the next regular or special meeting following the election. Officers must be installed within two (2) months of the election. If any officer-elect shall fail to make an appearance at the installation meeting he shall forfeit the office to which he was elected, unless he has been excused by the Executive Board because of illness or other justifiable reason.

ARTICLE VI – VACANCIES

Section 1 - Vacancies in any office shall be filled for the unexpired term by appointment by the Financial Secretary-Treasurer/Business Manager subject to the approval of the Executive Board.

Section 2 - In the event of a vacancy in the office of the Financial Secretary-Treasurer/Business Manager, such vacancy shall be filled for the unexpired term by appointment by the Executive Board subject to approval by the membership.

ARTICLE VII - RESIGNATIONS

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

Section 2 - Resignations of bonded officers shall be presented in writing at least one meeting before they are acted upon, and if the Board of Trustees reports the financial accounts of the Local are in proper order and there are no charges pending, the resignations may be accepted.

ARTICLE VIII – DELEGATES

Section 1 - Where permitted, delegates to all bodies with which the Local votes to affiliate shall be appointed by the Financial Secretary-Treasurer/Business Manager, subject to approval of the Executive Board and ratification by the membership.

Section 2 - Delegates and alternates to the International Convention may be nominated and elected at the same time as the regular nomination and election of officers is held, if there is an International Convention scheduled during that tenure of office. In any event, delegates to the International Convention shall be elected by secret ballot on prior written notice mailed no less than 15 days prior to the election. The election shall be held not less than sixty (60) days prior to the date of the Convention.

Section 3 - The procedures and requirements, including the notice pertaining to the Nomination and Election of Officers, as set forth in these Bylaws shall, where necessary, apply equally to the Nomination and Election of delegates to the International Convention and all other Bodies.

Section 4 - To be eligible to be chosen as a delegate to a convention a candidate must be a member in good standing of the Local Union for at least one (1) year prior to nomination or must have been actively attached to the industry for at least one (1) year before the convention opens and meet all other requirements of the International Union.

ARTICLE IX - DUTIES OF OFFICERS

Section 1 – President: The President shall preside at all regular and special membership meetings and at all meetings of the Local Executive Board. He shall take such action, as he deems necessary, to preserve order and decorum. He shall appoint the majority of all committees. He shall co-sign all cheques for payment of money from Union funds. He shall sign all documents required by the Local and International for the protection and welfare of the members. He shall be a member ex-officio of all committees except Trial and Election Committees.

The position of President shall be a paid position within the local.

Section 2 - Vice-President: The Vice-President shall aid and assist the President in the discharge of his duties and in preserving order and decorum in the Local. He shall preside over all meetings in the absence of the President, and for the time being be invested with the same power as though he were President. He shall perform such other duties as may be consistent with his office. He shall appoint the minority of all committees.

The position of Vice-President shall be a paid position within the local.

Section 3 - Financial Secretary-Treasurer/Business Manager:

The position of Financial Secretary-Treasurer/Business Manager shall be a paid position within the local. The Financial Secretary-Treasurer/Business Manager shall perform the following duties:

- a) He shall, when feasible, keep regular office hours for the convenience of the members, as well as to deal with the employers, and perform such other duties as may be required of him.
- b) He shall arrange deposits, as required, in a bank designated by the Executive Board, of all funds of the Local Union, except an amount of petty cash to be determined by the Board.
- c) He shall have charge of and attend to all official correspondence of the Union, impress the seal thereon, and keep on file a copy of all such correspondence. He shall be the official representative of the Local Union in all collective bargaining with employers for wages and working conditions and shall serve as chair of all negotiating committees. He may delegate his negotiating authority to a duly authorized representative of the Local Union who shall act under his direction and supervision.
- d) He shall keep, or cause to be kept, under his direction and supervision, a list of all members whose dues the Local remits, and on the first day of each month, draw a cheque for same, writing a receipt and posting to each member's account.
- e) He shall compile, or cause to be compiled, under his direction and supervision, the roster of the Local Union as required by the International Constitution.
- f) He shall compile, or cause to be compiled under his direction and supervision, monthly reports to the International Union as required by the International Constitution.
- g) He shall keep, or cause to be kept, a complete and accurate set of books in such a manner that they will show all of the business transactions of this Local Union, its income and expenditures, liabilities, and assets. He shall also keep a complete record of all committees and officers of the Local Union. He shall be responsible to ensure a true and faithful record of the proceedings of the Local Union's meetings and have them transcribed in the minute book provided for that purpose by the Local. He shall call the roll of all officers present at all meetings and record the attendance in the minute book.
- h) He shall make a quarterly financial report to the membership at each regular meeting giving an official accounting of all monies collected and expended by this Union. He shall counter-sign all working, traveling and withdrawal cards. He shall attend to all clerical work of the office unless otherwise provided for.
- i) He shall collect or cause to be collected all fines, dues, and assessments, also any other fees due to this Union, and give official receipt for all the monies collected. He shall pay the routine operating expenses of the Local by cheque. All cheques must be signed by the President Secretary-Treasurer/Business Manager and countersigned by the President of the Union.

- j) He shall notify all committee members of their appointment.
- k) He shall endeavour to obtain employment for all job applicants.
- l) He shall have the responsibility for hiring, firing and laying off union staff.
- m) He shall assign task and duties to the President and Vice President

Section 4 - Recording Secretary: The Recording Secretary shall keep a complete record of all committees and officers of the Local Union. He shall take a true and faithful record of the proceedings of the Local Union's meetings and transcribe them in the minute book provided for that purpose by the Local. This position shall be made available at the next election in Sept 2026.

He shall call the roll of all officers present at all meetings and record the attendance in the minute book. The position of Recording Secretary shall not be a paid position within the local.

Section 5 – Trustees: The Trustees shall supervise the property of the Local and shall submit an itemized inventory thereof on the first day of each year. They shall audit the books of the Financial Secretary-Treasurer and verify the quarterly audit required by the International Constitution. They shall certify that the books of all officers desiring to resign are properly balanced and audited, and that any of the Local's business which might have been entrusted to them has been properly completed and accepted by the Local before the resignation can be accepted. All books, papers, documents, and money which officers or member of the Local might have in their possession shall be made available to the Trustees for inspection at designated times.

Section 6 - Executive Board: The Executive Board shall consist of the President, Vice- President, Financial Secretary-Treasurer/Business Manager, Recording Secretary and five (5) elected Executive Board members from the rank and file. The Executive Board shall perform the following duties:

The Executive Board, between regular meetings, shall be the governing body of the Union. It shall have complete authority between meetings of the Union as may be exercised by the Union under the International Constitution and these bylaws. A majority of the Executive Board shall constitute a quorum and shall meet every second month.

Routine Operational Expenses: The Executive Board is authorized to approve routine operational expenses necessary for the day-to-day functioning of the Union, such as office supplies, utilities, and administrative costs, up to a cumulative monthly limit of \$2,500 for non-budgeted additional expenses. All such expenditures shall be documented with receipts and reported to the membership at the next regular or special meeting.

Non-Routine Expenditures and Donations: All applications for donations and all proposed expenditures exceeding the \$1,000 monthly limit for additional expenses shall first be referred to the Executive Board for their recommendation, which recommendation shall be subject to membership approval by a majority vote of the membership present at a regular or special meeting.

Salaries and Compensation: All salaries, wages, compensation, or expense allowances for officers, employees, and delegates of this Union shall be first recommended by the Executive Board and shall be subject to approval by a majority vote of the membership present at a regular or special meeting.

All plans for the ownership or long-term lease of real estate, or the use of any of the funds of the Local or its members for such purposes shall be first recommended by the Board and submitted to the membership

for final approval by a two-thirds majority of those members present.

Any such plan, including any trust agreements, articles of incorporation, corporate bylaws and contracts shall be subject to the approval of the International Union President before it is executed. This Local may not establish a plan for holding a real estate which does not permit the International Union to fully audit the building funds in the same manner as the Local's assets are audited.

Any officer or employee of this Local entitled to a vacation shall be required to take such vacation within two (2) years after becoming entitled to same. If such officer or employee fails to take such vacation, he shall be deemed to have waived the right to same. Any vacation not taken shall be paid out at the end of the two-year period.

ARTICLE X - DUTIES OF MEMBERS

Section 1 - Members shall keep the business of and private information they hear about the Local confidential. They shall not discuss the affairs of the Local with non-members.

Section 2 - Members shall obey all lawful orders of the officers of both this Union and of the International Union or its representatives.

Section 3 - Members shall report vacancies in jobs to the Financial Secretary- Treasurer/Business Manager and use their influence to have a good standing member of this Local fill the job.

Section 4 - Members shall not work for wages less than the scale adopted by the Union and abide by all the working conditions contained in the working agreement adopted by the Union. Members must ascertain the wages and conditions to be received and shall immediately report all violations of the contract to the Union office.

Section 5 - Members compelled to terminate their employment for any reason shall notify the Local Union.

Section 6 - All active members shall do such picket duty as may be necessary to bring successfully to conclusion any strikes or organizing programs declared by the Union. The Financial Secretary- Treasurer/Business Manager shall keep a rotating picket list so that all members shall do an equal amount of picketing. Exempted from picketing or paying an established fee are members who have attained 65 years of age or any member who is sick and cannot work.

ARTICLE XI - TRIALS AND APPEALS

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

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

Section 3 - The President and Vice-President shall appoint a Trial Board of five (5) from the membership to hear the charges and to render a decision. If the accused is found guilty, the penalty may be a fine, suspension, expulsion, limitation to hold office, or attend meetings, or any combination of the foregoing, or such other penalty as the determining authority may deem appropriate. Where no penalty is provided for a

particular offense, the penalty may be a fine, suspension, expulsion, any combination of the same or other appropriate penalty.

Section 4 - The Financial Secretary-Treasurer/Business Manager shall notify the accused of the charges, by sending him a copy thereof, by registered mail or by delivering a copy of the charges to the accused personally. The accused shall be notified of the time, date and place of the trial and shall be allowed not less than ten (10) days from the time of such notice for the preparation of a defense. Each side shall procure the attendance of its witnesses.

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

ARTICLE XII - FINANCES

Section 1 – Initiation Fees: The initiation fee of the Local will be as set by resolution of the Executive Board. Any changes to the initiation fee will be submitted to the membership at a regular or special membership meeting for approval.

Section 2 - Monthly Dues: The monthly dues of this Local shall be as set by by resolution of the Executive Board. Any changes to the monthly dues will be submitted to the membership at a regular or special membership meeting for approval.

Section 3: Any member being two calendar months in arrears for the payment of any dues and shall be considered automatically suspended. The Provisions Article XI of these By-Laws shall not apply to such suspension.

Section 4: Reinstatement to membership in this Local Union shall be made in accordance with the procedures set forth in the International Constitution.

ARTICLE XII – GENERAL

Section 1 - Collective agreements shall be negotiated and be subject to ratification by the members of the bargaining unit.

ARTICLE XVI - AMENDMENTS

Section 1 - All proposed amendments to these bylaws must be in writing, signed by fifteen (15) members in good standing with the Local and read at two consecutive regular meetings and voted upon at the second meeting. A two-thirds majority vote of members present at the second meeting shall be required to adopt an amendment. No amendment shall become effective until approved in the manner provided in the International Union Constitution.

Section 2 - The procedure outlined above in Section 1 shall be fully applicable to amendments providing for an increase in the dues, initiation fees, or a special or general assessment, except it shall require a majority vote by secret ballot on such second meeting day after reasonable written notice of intent to vote on the increase or assessment is given to the membership. The amendment as set forth in the notice is not subject to change after the notice is sent.

Section 3 - Rules of order, or order of business, may be amended by a two-thirds vote of the membership present at a regular meeting.

ARTICLE XIV - INTERNATIONAL CONSTITUTION

Section 1 - The terms and provisions of the UNITE HERE International constitution and any amendments thereto shall be binding upon this local union, its officers, and members as if fully set forth herein. Any provisions of the these bylaws which are in conflict with the International Constitution or Provincial or Federal Law shall be read down in order to comply with the Constitution or applicable law. Provisions of these bylaws shall be deemed to be of no force or effect only to the extent necessary for such compliance.

ARTICLE XV - REMOVAL OF SHOP STEWARDS

Section 1: A Shop Steward shall cease to hold office as a Shop Steward in the following circumstances:

- a) If a Shop Steward resigns, by delivery of a written resignation to the Financial Secretary-Treasurer/Business Manager or President.
- b) A Shop Steward may be removed at a meeting of the Executive Board by a resolution passed by a seventy-five (75%) percent majority of votes cast at the meeting, provided notice of such intention to remove a Shop Steward has been distributed not less than ten (10) days prior to the meeting;