

July 10, 2013

To: All Fellow TCRC members

Re: 2013 President Initiative to change the TCRC Bylaws

---

Sisters and Brothers;

By now everyone should be aware of the ballot being circulated to vote on proposed Bylaws changes. I have been repeatedly asked to express myself through a letter, and have agreed given what I have read and what I have recently observed. Hopefully, this letter will assist you in recognizing that you are not alone in your concerns and in your feelings about what is taking place right now. Many elected officers throughout the organization share the membership's observations and concerns with this initiative and the proposed Bylaws. Hopefully those of you who have not voted yet will take the time to express yourself and vote. To not vote is to abdicate your rights and your responsibility and to let others make your decision for you.

It is a common feeling being expressed by rank and file members and elected officers that they are confused by the proposed bylaws and upset with what they see taking place. Some are expressing feeling misled, taken for granted and in some cases misrepresented. No one has expressed to me a complete knowledge and understanding of all the proposed changes and no one seems to be able to determine the extent of the changes, what many of them mean, or even why they are being deleted, added or changed. I understand most questions are left unanswered and there is no formal process to have your questions answered.

The Ballot package and the distinct lack of clear information, or in some cases wrong information, have compounded the problem. This situation is strikingly similar to the now infamous President Initiative ballot in 2012 that had to be discarded because of the ballot and information being inaccurate and incorrect. I believe the IBT President condemned that ballot because it attempted to indicate establishment of a one man one vote privilege, when the members already had the ability for one man one vote. The IBT President commented that **the devil is often in the details**, something that is arguably an appropriate description and comparison to the present situation.

I understand there are some people who are advocating for a yes vote, arguing there are really no changes other than housekeeping issues. Take the time to read through the proposed document, it will easily dispel that notion as inaccurate.

Clearly, we are facing fundamental changes to the foundation of our Bylaws and I share the feeling of exclusion that so many of you feel. How can it be that our Bylaws can undergo such a dramatic change without anyone even taking the time to identify each and every change proposal? Who is it that expects us to agree to changes that we have to go and search for, and doesn't the Initiative process within the

Bylaws require a clear and precise explanation and question for the membership? These are all good questions that should be answered. **Its 2013 and the Devil is still in the details.**

What does all of this mean? It means that I am voting NO and have no problem explaining some of the reasons why.

1. **The appointed Bylaws Committee.** The meetings are secretive, there is no record and my requests for minutes have been ignored. There is no record of what was submitted to the Committee, or by whom. What issues were advanced but rejected by them, or modified by them? For example, what regular member would advance a proposal to alter the Bylaws and affect the Merger Agreement where the TCRC Bylaws trump the IBT Constitution in the event of inconsistency? This proposed change smells of someone much higher than a rank and file member and for undisclosed reasons.
2. **All or nothing vote, I'll take nothing thank you.** There is no opportunity to discuss, debate, consider changes or adjustments to proposals, where we could ultimately decide to accept some proposals and reject others that were unacceptable or unnecessary. I won't vote to accept changes that I cannot support just because someone wants self serving changes as part of a bigger package.
3. **The Ballot package.** It is misleading when it says within Division Bylaws “ **the only changes involve two officers and their duties.**” Existing Article 25 – Active Membership definition has been removed and within the proposed Bylaws there is no more requirements for officers to hold seniority. That affects every elected officer throughout the entire organization. One member complained to me this Ballot Package is “**deceptive marketing**”.
4. **No record of changes, additions or deletions.** I believe the membership should not have to go searching to discover the changes they are being asked to vote on. The TCRC has a long track record of providing clear and identified proposed changes to the Bylaws whether it is at convention or through the Initiative Process. This ballot package does not contain the information identifying the changes, additions or deletions. **How can the membership be asked to embrace unknown changes?**
5. **Multiple changes proposed through the Initiative Process.** Historically the Initiative Process had to be limited to one change or one issue within one Article. This omnibus type of package is not what the Initiative Process was developed for.
6. **Elimination of the Legislative Boards.** I find that irresponsible beyond description. Enough said.

Those rank and file members who are curious why the Executive Board was not involved should know that the Executive Board members who sent messages to President Beatty all indicated that the entire Board should be involved in the Bylaws Committee. **No one was selected.**

It appears there are supporters for voting yes that have created the impression the Bylaws have something to do with the Canada Labour Code. **That is completely wrong.** The Bylaws are the “contract” between the Union members and the Union. **The Industrial Relations Board, or arbitration board, has no jurisdiction over the Union Bylaws.** Members cannot charge the Union through Section 37 of the Code, as it pertains to the Union Bylaws.

Similarly, the changes to the Bylaws are not housekeeping items. If they were, then why are the members seeing their dues pay out tens of thousands of dollars for the Western Tour, the Committee meetings, and the ballot? **Housekeeping issues could wait to the Convention.** No, many of these proposed changes are **fundamental changes** that need to be discussed and debated in an open format, where people can clearly understand the **purpose** of the change, the **consequence** of the change, and to possibly adjust or modify the proposal before voting in a clear and open format.

What many members don’t realize is that if this initiative goes through **the changes cannot be undone at convention next year.** Bylaws, Section 4 Initiative states:

“(vi) Any enactment of the membership under this section shall remain in full force and effect unless repealed by the same method or by convention two (2) or more years after enactment of same.”

**That is one of the Devil’s that is in the details than many don’t know about.**

I hope this has clarified the situation for as many of you as possible.

Sincerely and in Solidarity,



Douglas Finnon

Vice President TCRC

CC: Mr. R. Beatty, TCRC President  
Mr. R. Smith, TCRC National Legislative Director  
Mr. H. Makoski, TCRC Secretary Treasurer  
Mr. B. Pitts, TCRC Recording Secretary  
Mr. R. Hackl, TCRC Trustee  
Mr. D. Able, TCRC Trustee  
Ms. S. Brownlee, TCRC Trustee  
TCRC Provincial Legislative Board Chairmen  
TCRC General Chairmen