

SYNDICAT DES MÉTALLOS

CONTESTATIONS DE  
L'ÉLECTION DANS LA  
SECTION LOCALE 1944  
DU SYNDICAT DES  
MÉTALLOS

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RAPPORT DES ADMINISTRATEURS

13 NOVEMBRE 2018

# CONTESTATIONS DE L'ÉLECTION DANS LA SECTION LOCALE 1944 DU SYNDICAT DES MÉTALLOS

## RAPPORT DES ADMINISTRATEURS

### 1. CONTEXTE

Le 11 juin 2018, les dirigeantes et dirigeants de la section locale (SL) 1944 ont demandé par écrit au président international Leo Gerard de mettre d'urgence la SL 1944 sous tutelle conformément à l'article 9, section 3, des Statuts du Syndicat des Métallos. La lettre donnait suite à l'adoption d'une résolution réclamant la mise sous tutelle, que le bureau exécutif de la SL 1944 a appuyée à l'unanimité.

Le 12 juin 2018, les directeurs canadiens du Syndicat des Métallos, conjointement avec le président Leo Gerard, ont envoyé une lettre aux membres de la SL 1944 afin d'annoncer et d'expliquer la décision épineuse de mettre la section locale sous tutelle. La lettre se lisait en partie comme suit :

*« Comme vous le savez sans doute, nous avons reçu de nombreuses contestations et ripostes visant l'élection des dirigeants du STT, section locale 1944 des Métallos, qui s'est déroulée le 19 avril 2018. Plus de 70 contestations formelles ont été soumises, en plus des nombreuses plaintes déposées par les membres désireux de trouver une solution.*

*Les contestations formelles proviennent des personnes qui ont participé à l'élection. Toutes les parties se disent préoccupées par l'élection et sont mécontentes de tout le temps qu'il faudra inévitablement pour parvenir à résoudre les différends. C'est pourquoi les deux parties ... ont demandé à ce que la section locale soit mise temporairement sous tutelle. »*

Comme nous l'expliquerons plus en détail ci-dessous, l'élection des dirigeantes et dirigeants de la SL 1944, qui a eu lieu en avril 2018, a déclenché plus de 100 contestations, que les scrutateurs de la section locale ont toutes examinées. Les scrutateurs ont rédigé un rapport qui a été présenté au bureau exécutif de la section locale, mais ce dernier n'a pas été en mesure de réagir en temps voulu aux problèmes liés à l'élection ni au rapport des scrutateurs. Le bureau exécutif a omis de rejeter ou d'adopter la recommandation des scrutateurs. Par conséquent, le 22 juin 2018, Ron Wyatt a été nommé administrateur des affaires de la SL 1944, et Mark Rowlinson et Scott McRitchie ont été désignés pour l'assister au besoin.

Le 17 juillet, une commission du Syndicat des Métallos a tenu une audience afin de se pencher sur la mise sous tutelle de la section locale, et la commissaire Carol Landry a jugé que cette mesure était judicieuse et conforme aux Statuts du Syndicat des Métallos.

En plus des nombreuses contestations déposées en rapport avec l'élection, des membres de la SL 1944 ont fait l'objet de maintes accusations aux termes des Statuts du Syndicat des Métallos. Le 17 septembre 2018, le président Leo Gerard a établi une commission composée de Peggy McComb et de Jim Stewart pour enquêter sur les accusations présentées à la SL 1944 en vertu des Statuts et décider de ces dernières. Les commissaires ont tenu des audiences les 10 et 11 octobre afin d'entendre les accusations.

Les administrateurs avaient la tâche d'enquêter sur les contestations et les résultats de l'élection des dirigeantes et dirigeants de la section locale et de présenter des recommandations. Depuis leur nomination, les soussignés se sont efforcés d'étudier les contestations et les allégations entourant l'élection et d'enquêter à ce sujet. Le présent rapport fait état de nos conclusions.

Nous désirons souligner qu'à titre d'administrateurs, nous sommes d'avis que ladite section locale ne peut aller de l'avant et reprendre ses activités de manière autonome et efficace tant que les questions de l'élection ne seront pas résolues. Nous faisons également remarquer que même si c'est l'incapacité de la section locale à résoudre la question de l'élection qui a initialement entraîné la mise sous tutelle, les administrateurs et le nouveau bureau exécutif devront résoudre de nombreux autres problèmes avant que la mise sous tutelle de la section locale ne puisse être levée, entre autres : voir à ce que la section locale possède une solide base financière, se pencher sur la représentation et les frais juridiques, aborder le traitement des griefs et passer en revue les structures de la section locale et les problèmes liés à la dotation en personnel. La première étape consiste toutefois à résoudre les différends en suspens liés à l'élection.

## **2. SOMMAIRE DU RAPPORT DES SCRUTEURS**

Comme nous l'avons indiqué ci-dessus, la SL 1944 du Syndicat des Métallos a tenu l'élection de ses dirigeants, scrutateurs et représentants d'unités le 19 avril 2018. Le scrutin s'est déroulé par l'intermédiaire d'un système de vote électronique à distance fourni par Intelivote. **L'Annexe A** fait état des résultats de l'élection qui ont été compilés.

Conformément aux Statuts et au Manuel des élections dans les sections locales du Syndicat des Métallos, un comité d'élections (de scrutateurs) se composant de trois (3) dirigeants élus a été établi et a supervisé tous les aspects de l'élection.

Les scrutateurs avaient comme mandat de traiter les 107 contestations déposées pendant l'élection dans la section locale et portant sur :

- l'utilisation inappropriée du LOGO du Syndicat des Métallos;
- les appuis inappropriés;
- l'utilisation inappropriée de photos et des médias sociaux;
- le financement, des courriels et des messages texte;



- un envoi postal et un accès inapproprié à la liste des membres;
- des encouragements inappropriés;
- l'utilisation de ressources de l'entreprise ou du syndicat;
- du harcèlement;
- la nature générale de l'élection dans la section locale et les unités.

Deux parties ont déposé des accusations formelles auprès du Syndicat international aux termes des Statuts. Comme nous l'avons indiqué précédemment, une commission établie pour entendre les accusations statuera sur ces dernières.

Les scrutateurs ont rédigé un long rapport détaillé comportant des recommandations, lesquelles ont été jugées comme en faisant partie intégrante. Les scrutateurs ont recommandé de déclarer l'élection nulle et non avenue et de procéder à une nouvelle élection. Les rapports des scrutateurs sur les contestations ont été intégrés à l'**Annexe A** du présent rapport.

Les scrutateurs ont terminé la rédaction du rapport sur l'élection et de leurs recommandations et ont entamé le processus visant à faire adopter le rapport par la section locale. Le bureau exécutif de la SL 1944 du Syndicat des Métallos a entrepris l'audition de chacune des contestations et des recommandations afin de les accepter ou de les rejeter. Le bureau exécutif a achevé partiellement le processus, mais il s'est rapidement aperçu qu'il était incapable d'arriver à une prompt décision sur toutes les contestations liées à l'élection.

Par conséquent, le 6 juin 2018, la motion réclamant de procéder « d'urgence à la mise sous tutelle » a été adoptée à l'unanimité. La SL 1944 du Syndicat des Métallos a été mise sous tutelle le 22 juin, et le processus d'adoption du rapport de l'élection a été interrompu.

Dans le cadre de la tutelle, les résultats de l'élection, les contestations et les accusations s'y rapportant font l'objet d'un examen conformément aux Statuts du Syndicat des Métallos.

Le 27 juin 2018, à la suite d'un examen des résultats de « **l'élection des représentantes et représentants d'unités** » et de toutes les contestations s'y rapportant, les administrateurs ont confirmé les résultats de l'élection et rejeté toutes les contestations à l'exception de la contestation n° 12b, qui fait l'objet d'une discussion plus loin dans le présent rapport (voir **Annexe A** – Note n° 12b du Tableau des contestations).

### **3. RECOMMANDATIONS DÉFINITIVES DES SCRUTATEURS**

Dans leur rapport, les scrutateurs de la section locale ont présenté leurs recommandations définitives ayant trait au Manuel des élections dans les sections locales et en particulier à l'élection dans la SL 1944.

En ce qui concerne l'élection dans la SL 1944, le rapport des scrutateurs fait état de ce qui suit :



*Les directives sur les élections dans les sections locales du Syndicat des Métallos stipulent que, en ce qui a trait aux candidates et candidats, il est absolument essentiel d'avoir en place un processus ouvert, équitable et transparent qui veille à ce que toutes les personnes qui se présentent au même poste soient traitées de la même façon.*

*Nous, les scrutateurs, sommes forcés de soulever le manque d'intégrité et d'honnêteté et l'hypocrisie des candidates et candidats qui ont ignoré les règles et les directives du Syndicat des Métallos et de la SL 1944 et les ont contournées, ou qui ont nié leur responsabilité à cet égard, tout en accusant d'autres de faire la même chose.*

*Voici, entre autres, ce qui s'est produit pendant l'élection du 19 avril au sein de la SL 1944 :*

- *Les règles électorales n'ont pas été appliquées de manière équitable : une candidate ou un candidat a été en mesure d'envoyer un courriel après que tous les messages vocaux, messages texte et courriels de deux autres candidats aient été bloqués en raison de préoccupations liées à la vie privée.*
- *Un envoi postal soulève de sérieuses inquiétudes au sujet du processus et du respect de la vie privée.*
- *Des appuis ont été donnés de manière appropriée à l'unité 213 par courriel.*
- *De multiples violations ont été commises sur les médias sociaux, y compris, mais non de façon limitative, l'utilisation de #mots-clics, l'affichage et l'utilisation de photos.*
- *Un bureau de vote était illégal.*
- *De la publicité en faveur d'une candidate ou d'un candidat a été diffusée à un bureau de vote.*
- *Du matériel de campagne a été distribué pendant une réunion syndicale tenue à un bureau syndical.*
- *Le logo du Syndicat des Métallos a été apposé sur du matériel de campagne.*

*Par conséquent, nous, les scrutateurs, déclarons que l'élection du 19 avril qui a eu lieu dans la section locale 1944 est nulle et non avenue.*

*Nous recommandons de procéder à une nouvelle élection après la mise en œuvre de toutes les recommandations (ajouts au Manuel d'élections dans les sections locales et actualisation de ce dernier).*

#### **4. EXAMEN DES CONTESTATIONS ÉLECTORALES PAR LES ADMINISTRATEURS**

Les Statuts du Syndicat des Métallos confèrent aux administrateurs le mandat de décider des contestations électorales et de toutes les conséquences s'y rapportant.

Les administrateurs ont interrogé les scrutateurs de l'élection, les représentants et les dirigeants du Syndicat des Métallos, les dirigeants actuels de la SL 1944 du Syndicat des Métallos ainsi que les membres individuels et les représentants concernés de la SL 1944. Les administrateurs ont reçu et examiné tous les documents liés à l'ensemble des contestations et ont appliqué les Statuts et le Manuel d'élections dans les sections locales du Syndicat des Métallos, ainsi que les règlements et les politiques de la SL 1944 des Métallos avant de prendre leurs décisions.

Le rapport des scrutateurs de l'élection est détaillé, exhaustif et très complet. Le travail méticuleux des scrutateurs est digne de mention.

À titre d'administrateurs, nous avons passé en revue toutes les recommandations et décisions qui ont été adoptées aux réunions du bureau exécutif de la SL 1944, et nous nous sommes penchés sur toutes les contestations en suspens. Dans notre rapport, nous avons inclus quelques commentaires généraux et des décisions particulières sur diverses contestations. L'**Annexe A** ci-jointe est un tableau sommaire des contestations et des décisions correspondantes des administrateurs.

Les contestations soulèvent à maintes occasions trois problèmes majeurs :

- a. La liste des membres et l'envoi postal dans le cadre d'une campagne.
- b. L'utilisation du LOGO du Syndicat des Métallos.
- c. La campagne et le processus électoral à l'unité 213.

Les administrateurs vont examiner l'un après l'autre chacun de ces points. Nous commenterons également les activités liées à l'utilisation des médias sociaux et d'appuis.

##### **A. Utilisation de la liste des membres et envoi postal dans le cadre d'une campagne**

D'abord, nous nous sommes penchés sur « l'utilisation de la liste des membres » par une candidate ou un candidat. On a beaucoup insisté sur le fait que les candidates et candidats de Leadership 2018 ont organisé un envoi postal direct aux membres de la section locale.

Quarante-six (46) contestations et diverses plaintes au sujet de l'envoi ont été déposées :

- n° 23, n° 23.1, n° 23.2, n° 23.3, n° 23.4, n° 23.5, n° 23.6, n° 23.7, n° 23.8, n° 23.9, n° 23.10, n° 23.11, n° 23.12, n° 23.13, n° 23.14, n° 23.15, n° 23.16, n° 23.17, n° 23.18,



n° 23.19, n° 23.20, n° 23.21, n° 23.24 : accès inapproprié à la liste des membres (la liste a été volée) pour l'envoi postal et violation de la vie privée des membres;

- n° 25a : les employés de l'unité de négociation du SEPB auraient dû effectuer l'envoi postal;
- n° 25b, n° 25c, n° 25d, n° 25e, n° 25f, n° 25g, n° 25h, n° 25i, n° 25j, n° 25k, n° 25l, n° 25m, n° 25.1a, n° 25.1b, n° 25.1c, n° 25.1d : diverses plaintes concernant l'autorisation, l'accès à la liste des membres et l'utilisation de celle-ci;
- n° 35 : une contestation des contestations;
- n° 38 : des personnes en particulier ont été omises de l'envoi postal;
- n° 40 (b) : traite d'un écart dans le processus;
- n° 42 (b) : l'envoi postal a porté les membres à croire qu'il avait été effectué exclusivement au nom de la section locale;
- n° 42 (c) : l'envoi postal n'a pas été envoyé à tous les membres de la section locale;
- n° 47 (a) : l'avis de non-responsabilité était trompeur; et
- n° 47 (b) : les membres n'ont pas tous reçu l'envoi postal.

Le Manuel d'élections dans les sections locales aborde cette question particulière à la page 38 :

*« Les sections locales doivent se conformer à toutes les demandes raisonnables de tout candidat de distribuer à tous les membres en règle, par la poste ou autrement, aux frais du candidat, de la publicité électorale à l'appui de sa candidature.*

*Les sections locales ne doivent faire aucune distinction favorable ou défavorable entre quelques candidats que ce soit concernant l'utilisation des listes de membres. Afin de veiller au respect de cette exigence de la loi, on doit s'en tenir strictement à la politique du Syndicat international qui s'oppose à la reproduction et à la diffusion de ces listes, ainsi qu'à la distribution, aux frais de la section locale, de publicité électorale au nom de quelque candidat que ce soit ou au nom de la section locale même.*

*Tout candidat de bonne foi a le droit, dans les trente (30) jours précédant les élections, d'examiner une fois (mais non de transcrire) une liste des noms et dernières adresses connues de tous les membres de la section locale régis par une convention collective qui exige l'adhésion au syndicat comme condition d'emploi. Cette liste doit être tenue à jour et conservée au bureau principal de la section locale, sous la garde du secrétaire financier. »*

La candidate Isabelle Miller a communiqué avec le secrétaire-trésorier Michael Phillips au sujet d'un publipostage direct aux membres aux frais de sa campagne. La section locale avait, sur approbation du Syndicat international, retenu l'entreprise Intelivote pour mener le vote électronique de la section locale. Intelivote fait appel à l'entreprise Gilmore Doculink pour l'envoi de ses publipostages.



À titre de secrétaire-trésorier, Michael Phillips détient le contrôle de la liste des membres de la section locale. Pour répondre à la demande d'Isabelle Miller, il a contacté Gilmore Doculink afin d'organiser un publipostage direct aux membres aux frais d'Isabelle Miller.

La documentation de la campagne contenait l'avis de non-responsabilité suivant : « Conformément au Manuel d'élections dans les sections locales du Syndicat des Métallos, le message précédent a été envoyé par la SL 1944 au nom de la candidate Isabelle Miller, à la demande et aux frais de la candidate. Ce message ne constitue d'aucune façon un appui de la part de la section locale. » Le LOGO du Syndicat des Métallos ne figure pas sur le matériel de campagne.

L'« écueil » réside dans le fait que Michael Phillips était un colistier d'Isabelle Miller dans l'équipe Leadership 2018. Il n'a pas informé aucun autre dirigeant ni membre du bureau exécutif de la section locale qu'il avait pris ces arrangements. Les candidats de Forward1944, et d'autres personnes, allèguent qu'en raison de ce fait, Michael Phillips, Isabelle Miller et toute l'équipe Leadership 2018 ont agi et accédé à la liste de membres de manière inappropriée.

La principale allégation avancée par l'équipe Forward1944 est que la liste a été volée. Ils allèguent également que les membres n'ont pas tous reçu l'envoi postal de Leadership 2018, et que c'est le personnel de soutien de la section locale qui aurait dû effectuer l'envoi postal.

Michael Phillips insiste sur le fait qu'il a agi en sa qualité de secrétaire-trésorier et qu'il assumait ce rôle (dans cette section locale, le secrétaire-trésorier remplit les fonctions de secrétaire financier). Il savait qu'il devait s'efforcer de faire preuve de neutralité dans son rôle de secrétaire-trésorier. Selon lui, il serait inapproprié de divulguer la demande d'une candidate ou d'un candidat d'effectuer un envoi postal. Il se fiait aux instructions qu'il avait reçues de John Perquin (adjoint au secrétaire-trésorier international).

Voici les courriels que Michael Phillips et John Perquin ont échangés :

[traduction libre]

De : Perquin, John <jperquin@usw.org>

Envoyé : 2 avril 2018 5:26

À : Michael Phillips <michael.phillips@usw1944.ca>

Cc : Youngmark, Chris <cyoungmark@usw.org>

Objet : RE : procédure pour les envois postaux de campagne – SL 1944

Word – Modèle d'entente de confidentialité – Canada.doc (29kb)

Michael, j'ai répondu à vos questions ci-dessous, *en rouge*.

De : Michael Phillips [mailto:michael.phillips@usw1944.ca]

Envoyé : mercredi 28 mars 2018 18:27

À : Perquin, John

Objet : Procédure pour les envois postaux de campagne

Bonjour John,

Pourriez-vous m'indiquer en détail ce qu'il faut faire lorsqu'une candidate ou un candidat à l'élection dans notre section locale veut effectuer un envoi postal à une partie de notre effectif à l'aide de la liste officielle des membres? Je consulte en ce moment les dispositions à la page 50 du Manuel d'élections dans les sections locales (2015) :



« Les sections locales doivent se conformer à toutes les demandes raisonnables de tout candidat de distribuer à tous les membres en règle, par la poste ou autrement, aux frais du candidat, de la publicité électorale à l'appui de sa candidature. Les sections locales ne doivent faire aucune distinction favorable ou défavorable entre quelques candidats que ce soit concernant l'utilisation des listes de membres. »

Une candidate a demandé à ce qu'un envoi postal soit effectué en son nom conformément à ces dispositions.

J'ai l'impression que cette demande comporte de nombreux risques potentiels, par conséquent, j'aimerais que vous répondiez aux questions suivantes :

Est-ce que le libellé « tous les membres en règle » permet à une candidate ou un candidat d'effectuer un envoi postal à une partie des membres ou seulement à tous les membres en même temps? *La candidate ou le candidat peut demander que l'envoi soit effectué à tous les membres en règle ou à un sous-groupe ciblé ou particulier de membres. À condition que la section locale soit capable de rassembler les données d'un ou de plusieurs sous-groupes ciblés de membres, elle doit se conformer à une telle demande.*

Le personnel de la section locale doit-il effectuer cet envoi (étant déjà occupé avec leur travail normal) ou puis-je diriger la candidate ou le candidat vers une entreprise indépendante qui offre des services d'envois postaux et lui fournir la liste des membres à sa demande, sous réserve de la signature d'une entente de confidentialité stricte? *La section locale peut décider de faire l'un ou l'autre et elle a le droit de prendre cette décision. Nous suggérons fortement que les sections locales fassent appel à un fournisseur indépendant. En fin de compte, c'est la candidate ou le candidat qui doit en payer tous les frais, peu importe la méthode que la section locale utilise pour répondre à la demande.*

Que faire si la candidate ou le candidat insiste sur le fait que le personnel pourrait effectuer l'envoi en plus de son travail normal, qui détermine si c'est le personnel ou une entreprise indépendante qui doit s'en charger? *La décision ne revient pas à la candidate ou au candidat. Cependant, la section locale ne peut procéder d'une façon pour un candidat et de manière différente pour un autre.*

Le matériel pouvant faire l'objet d'un envoi postal doit-il répondre à certains paramètres? Par exemple, doit-il comporter un avis de non-responsabilité? *La section locale ne doit pas procéder à un examen préalable du matériel. Les candidats doivent respecter les règles lorsqu'ils préparent leur matériel de campagne.*

Peut-on retenir les services de n'importe quelle entreprise d'envois postaux ou le Syndicat international doit-il approuver l'entreprise utilisée? *La section locale peut choisir l'entreprise, mais elle doit faire appel uniquement à un fournisseur qui convient de se conformer à la politique du Syndicat des Métallos concernant l'information sur ses membres et une entente de confidentialité.*

Le Syndicat international a-t-il établi des lignes directrices concernant la nature de l'entente de confidentialité que l'entreprise doit signer avant que nous puissions lui remettre notre liste de membres (ou un modèle d'entente)? *J'ai joint au présent message une copie du modèle qu'utilise le Syndicat international.*

Dois-je informer les dirigeants/les candidats de la section locale que je transmets notre liste de membres à une entreprise indépendante ou ce geste serait-il jugé comme un avantage indu? *Vous n'êtes pas tenu d'aviser les candidats qu'une autre*



*candidate ou un autre candidat a présenté une demande d'envoi postal. Pour ce qui est d'en informer les autres dirigeants de la section locale, vous devez respecter les procédures normales de la section locale concernant la communication des coordonnées des membres à une entité externe. Lorsque le Syndicat international communique ses données, il le fait toujours à titre exceptionnel et il exige qu'une fois l'envoi terminé, l'entreprise supprime immédiatement les données de ses dossiers et systèmes. Nous ne communiquons jamais les coordonnées des membres en vue d'utilisations multiples.*

*Veillez me faire parvenir toute autre information requise afin que le type d'envoi postal autorisé à la page 50 du Manuel puisse se faire de manière appropriée et conformément à nos règlements.*

Le texte du modèle d'entente de confidentialité joint au présent courriel se lit comme suit :

*Date d'aujourd'hui*

*Compagnie*

*Objet : Confidentialité de l'information sur les membres du Syndicat des Métallos  
Madame, Monsieur,*

*Par suite des discussions entre les représentants de la Compagnie et ceux du Syndicat des Métallos (« Métallos »), je vous écris pour confirmer notre compréhension des exigences relatives à la confidentialité de l'information sur les membres que le Syndicat des Métallos communiquera à la Compagnie en vue d'un envoi postal direct dont le Syndicat des Métallos a convenu.*

*La Compagnie reçoit de l'information et des données (« information ») sur les membres du Syndicat des Métallos sous réserve d'une entente avec la Compagnie, comme en fait foi votre confirmation dans l'espace prévu ci-dessous voulant que l'information soit confidentielle et exclusive au Syndicat des Métallos, et que le Syndicat des Métallos ne conviendrait pas de fournir l'information à la Compagnie si la Compagnie ne s'engageait pas à respecter strictement la confidentialité de l'information.*

*La Compagnie convient de ne pas divulguer ou communiquer l'information à une tierce partie (ou établissement apparenté) et de prendre toutes les mesures nécessaires pour protéger l'information contre une telle éventualité de manière raisonnable. La Compagnie convient que la protection raisonnable équivaut au même degré de soin que la Compagnie prend pour prévenir l'utilisation, la diffusion ou la publication non autorisée de ses informations les plus précieuses, confidentielles et exclusives. La Compagnie doit utiliser l'information uniquement aux fins strictement limitées et nécessaires à l'exécution de l'envoi postal qu'elle a convenu d'entreprendre avec le Syndicat des Métallos, et la Compagnie convient de ne pas faire de copie de l'information. La Compagnie reconnaît et convient de supprimer l'information qu'elle a reçue du Syndicat des Métallos à la fin de l'exécution de l'envoi postal, et que la suppression inclura, mais non de façon limitative, d'effacer l'information sur tous ses ordinateurs et autres médias intangibles.*

*La Compagnie convient que toute infraction des conditions précitées causera un préjudice irréparable au Syndicat des Métallos, qui ne peut être indemnisé adéquatement en dommages-intérêts pécuniaires et, conséquemment, le Syndicat des Métallos a droit, en plus de tous les autres recours disponibles, à des mesures injonctives et à tout autre recours équitable devant un tribunal compétent au Canada ou d'une province. La Compagnie convient de renoncer à toute exigence visant l'obtention ou le dépôt d'une caution en rapport avec un tel recours.*

*Dans l'éventualité où une disposition de la présente entente est jugée comme nulle ou inexécutoire par un tribunal de droit ou de toute autre manière, les autres dispositions de la présente entente demeureront néanmoins valides et exécutoires,*



*comme si les parties nulles et non exécutoires n'avaient pas été incluses dans la présente entente.*

*La présente entente ne peut être modifiée ni amendée à moins que toutes les parties n'en aient convenu dans un accord écrit qu'elles ont toutes signé.*

*Si la Compagnie convient de ce qui précède, elle est priée de le confirmer en apposant sa signature ci-dessous et de retourner un exemplaire dûment signé de la présente entente.*

*Veuillez agréer nos salutations distinguées.*

Après réception de l'entente de confidentialité, Michael Philips a demandé à Gilmore Doculink, l'entreprise qui a effectué l'envoi postal, de la signer.

Il importe de souligner que dans leur rapport, les scrutateurs de la section locale n'ont constaté aucune violation du Manuel d'élections dans les sections locales en ce qui concerne le processus que Michael Philips a suivi relativement à la liste des membres et à l'envoi postal. Cependant, le bureau exécutif de la section locale a rejeté la recommandation des scrutateurs.

Après avoir examiné attentivement les preuves et les faits présentés par le comité des scrutateurs et d'autres personnes concernant diverses contestations de l'envoi postal effectué par Leadership 2018 et en avoir tenu compte, nous déterminons que le Manuel des élections dans les sections locales n'a été enfreint d'aucune manière.

Michael Phillips a méticuleusement passé en revue le Manuel des élections dans les sections locales en ce qui a trait à la demande d'envoi postal par une candidate. Il a soigneusement clarifié les responsabilités de la section locale avec John Perquin et suivi ses conseils. Il ne s'est pas écarté du processus établi par le Syndicat international. Il n'existe aucune preuve d'accès inapproprié à la liste des membres ni aucune preuve de violation de la vie privée des membres et, pour être parfaitement clairs, la liste des membres n'a pas été volée.

Le Manuel d'élections dans les sections locales n'exige aucunement que les employés de l'unité de négociation du SEPB exécutent les tâches liées à un envoi postal.

L'équipe Forward1944 allègue également que l'envoi postal allait à l'encontre des politiques et procédures de la SL 1944 qui exigent qu'au moins deux dirigeants approuvent un envoi postal aux membres au nom de la section locale. Dans le présent cas, deux dirigeants (Miller et Philips) se présentaient contre les deux autres dirigeants (Riggs et Carassco). L'équipe Forward1944 soutient que Michael Philips aurait dû demander à Riggs et à Carassco d'approuver l'envoi postal. Les circonstances de la présente élection font en sorte que les règles de la section locale posent un problème. Il semble que le groupe Forward1944 est d'avis qu'une équipe devrait approuver l'envoi de l'autre.

Selon nous, il s'agit là de la raison exacte pour laquelle notre syndicat a établi des règles détaillées sur les envois postaux. Dans le présent cas, ces règles ont été respectées. Quoi qu'il en soit, nous pensons également que l'envoi postal en question n'a pas été effectué au nom de la section locale – il s'agit manifestement d'un envoi postal au nom d'une campagne, ce que l'envoi postal précisait très exactement.

Leadership 2018 a envoyé neuf mille deux cent quatre (9 204) cartes postales. L'envoi s'adressait à tous les membres, à l'exception des employés régis par « la formule Rand » (qui n'ont pas le droit de voter) et des candidats et de certains fervents partisans des équipes adverses.

Même si nous jugeons que l'avis de non-responsabilité est formulé de façon maladroite, nous croyons que toute personne qui l'a lu aurait dû savoir ou raisonnablement savoir que la section locale n'appuyait pas l'équipe de Miller.

Par conséquent, nous rejetons toutes les contestations concernant l'utilisation de la liste des membres et l'envoi postal.

## **B. Utilisation du LOGO du Syndicat des Métallos**

Ensuite, nous avons examiné six (6) contestations alléguant l'utilisation inappropriée du LOGO du Syndicat des Métallos :

- n° 6 : utilisation du numéro 1944 dans un message;
- n° 17 : utilisation du LOGO des Métallos sur un site Web promouvant l'élection du candidat Ross Brown;
- n° 20 : allégation qu'un membre a affiché l'appui accordé à une candidate ou un candidat sur la page Facebook d'une unité;
- n°s 21 et 40a : utilisation du LOGO sur des tasses à café et des t-shirts distribués par Leadership 2018;
- n° 42 : utilisation du LOGO sur des tasses à café distribuées par Leadership 2018;
- n° 42 (h) : utilisation du LOGO sur des t-shirts distribués par Leadership 2018.

Le Manuel d'élections dans les sections locales aborde cette question au bas de la page 50 :

*« Afin de s'assurer de ne pas donner l'impression à un candidat qu'une entité du Syndicat des Métallos l'appuie, aucun candidat ou partisan d'un candidat n'imprimera ni ne permettra de faire imprimer du matériel de campagne sur n'importe quel type d'en-tête du syndicat, n'utilisera les logos du Syndicat des Métallos sur tout matériel ou média de campagne ni n'utilisera le matériel ou les médias du syndicat, qu'ils proviennent d'une section locale, d'un district ou du siège international. »*

### **LE LOGO DU SYNDICAT DES MÉTALLOS APPARTIENT AU SYNDICAT ET NE PEUT ÊTRE INCORPORÉ À AUCUN MATÉRIEL OU MÉDIA DE CAMPAGNE.**

*« Les fonds, installations ou ressources d'une section locale ainsi que les fonds, installations ou ressources d'un employeur ne doivent aucunement contribuer ou servir à promouvoir ou contester la candidature de qui que ce soit. On peut utiliser les fonds de la section locale pour publier des avis et des énoncés*



*de faits sur des questions n'impliquant pas les candidats, et pour d'autres dépenses nécessaires à la tenue d'une élection.*

*Cette interdiction comprend, sans s'y limiter, l'affectation de fonds de la trésorerie de la section locale, l'utilisation du matériel ou des fournitures de la section locale, la publication et la diffusion de documents de campagne pour ou contre des candidats aux frais de la section locale, et l'utilisation de publications ou de communications qu'elle finance et qui sont destinées aux membres pour appuyer des candidats ou s'y opposer. Cette interdiction s'applique à toutes les communications des sections locales et non simplement à celles qui sont affiliées à l'Association de la presse du Syndicat des Métallos.*

*Il est interdit aux sections locales de lier directement ou indirectement leurs sites Web ou médias sociaux, blogues, textes, courriels et autres outils de communication numériques aux sites Web, médias sociaux, blogues, textes, courriels et autres outils de communication numériques d'une candidate ou d'un candidat.*

*Les sections locales doivent se conformer strictement à la politique du Syndicat international interdisant la reproduction ou la diffusion des listes de membres et de leurs coordonnées. »*

Contestation n° 6 – La candidate Betty Carrasco a utilisé le mot-clic #USW 1944 dans le message de l'équipe Forward1944. On a demandé à Betty de supprimer le mot-clic de son message, ce qu'elle a fait. Selon nous, il ne s'agit pas d'une violation du Manuel d'élections dans les sections locales puisque « #USW 1944 » n'est pas un LOGO du syndicat. Nous rejetons cette contestation.

Contestation n° 17 – Utilisation alléguée du LOGO des Métallos sur la page Web de Ross Brown. Lorsque le comité des scrutateurs a tenté de mener une enquête sur cette plainte, le site n'existait plus. Il est impossible de déterminer si cette situation s'est vraiment produite. Cependant, il est évident que si le LOGO des Métallos a été incorporé à la page Web, il ne l'a été que pendant une période très courte. Donc, nous croyons que cette situation n'a entraîné aucune incidence sur les résultats définitifs de l'élection. Nous rejetons la contestation.

Contestations n°s 21, 40 (a), 42 (g) et 42 (h) – Allégations que le LOGO des Métallos a été apposé sur des tasses à café et des t-shirts distribués par l'équipe Leadership 2018. Tant sur les tasses que sur les t-shirts, l'illustration du côté droit est un petit LOGO des Métallos. La taille de la police utilisée pour le LOGO est d'environ un quart (1/4) de celle utilisée sur le reste de la tasse et environ un huitième (1/8) de celle utilisée sur le t-shirt.

L'équipe Leadership 2018 a expliqué qu'il s'agissait d'une étiquette syndicale apposée par l'entreprise retenue pour produire les illustrations sur ces produits. Nous avons communiqué avec l'entreprise, Gordon Baker Promotions, et parlé à son président. L'entreprise, située à Bowmanville (Ontario), avait sous-traité le travail à Imprint Art à North York (Ontario), dont le personnel syndiqué fait partie de la section locale 1-500 du district 6 des Métallos. Il est normal et courant pour l'entreprise d'apposer « l'étiquette syndicale » sur toutes les commandes.

Nous avons conclu que l'intention avait été d'appliquer une étiquette syndicale et non le logo des Métallos. Bien que techniquement l'utilisation du LOGO des Métallos constitue une



violation, nous ne croyons pas en cette instance que son utilisation ait eu une incidence sur les résultats définitifs de l'élection. Nous rejetons ces contestations.

**C. Campagne et processus électoral de l'unité 213 : contestations n<sup>os</sup> 2, 7, 22, 42f, 31.1 et 40c**

David Skrober était le président de l'unité 213. Il s'était présenté comme candidat de l'équipe Miller au poste de dirigeant exécutif régional pour l'Alberta.

Une réunion du bureau exécutif de l'unité 213 a eu lieu le 7 mars. David Skrober a présidé la réunion et déclaré que « le bureau exécutif de l'unité avait voté presque à l'unanimité en faveur de Leadership 2018 » (équipe de Miller). Un courriel a été envoyé informant environ 500 destinataires de l'unité 213 de cet appui.

David Skrober a fait remarquer qu'à ce moment-là, le Manuel d'élections dans les sections locales n'avait pas été distribué et qu'il n'a pas été envoyé avant la mi-mars. Par conséquent, David a affirmé qu'il n'avait aucune idée que l'appui du bureau exécutif ou le courriel constituait une violation des règles électorales. Il a soutenu qu'au cours d'élections antérieures, les membres du bureau exécutif de l'unité 213 avaient librement communiqué leur position à l'égard de n'importe quel enjeu aux membres de l'unité 213.

Cependant, les règles du Syndicat des Métallos régissant les élections indiquent clairement que le bureau exécutif d'une section locale peut décider d'appuyer une candidate ou un candidat seulement si tous les candidats connus à un poste ont eu l'occasion de s'adresser préalablement aux membres. De plus, il est interdit d'utiliser les actifs ou les ressources du syndicat pour communiquer la décision.

David Skrober a mentionné que les scrutateurs ne l'ont jamais contacté au sujet de la réunion du bureau exécutif en mars et il n'existe aucune preuve qu'ils l'aient fait.

Néanmoins, il est clair que l'appui du 7 mars et le courriel allaient à l'encontre des règles électorales du syndicat.

David Skrober a aussi présidé la réunion du 11 avril de l'unité, qui a eu lieu au bureau syndical de Calgary, où les candidats Isabelle Miller et Ross Brown se sont adressés aux membres par voie d'appel téléphonique. Lee Riggs a été invité à prendre la parole pendant la réunion de l'unité, mais il a décliné l'invitation. À la fin de la réunion, les membres de l'unité présents ont adopté une résolution demandant au bureau exécutif de l'unité d'appuyer Isabelle Miller et l'équipe Leadership 2018, ce qui constitue une violation des règles électorales.

On a également allégué que la documentation de la campagne avait été distribuée aux membres par l'équipe de la campagne Miller pendant la réunion. David Skrober a affirmé qu'il n'était pas au courant que de la documentation avait été distribuée pendant la réunion, et aucune copie d'une telle documentation de campagne ne nous a été remise afin de justifier l'allégation.

Cependant, d'après notre enquête sur cette affaire, il s'avère qu'au moins deux représentants des campagnes assistaient à la réunion et que de la documentation sur les deux campagnes s'y trouvait également. Il n'existe aucune preuve que de la documentation a véritablement été distribuée pendant la réunion. Nous ne sommes pas non plus au courant de preuves voulant qu'un autre courriel confirmant l'appui ait été envoyé après la réunion d'avril.

Les scrutateurs de la section locale ont reçu une plainte concernant ladite réunion. Distribuer de la documentation de campagne aux membres pendant une réunion, tout comme utiliser les ressources du syndicat pour diffuser l'appui, contrevient aux règles du Syndicat des Métallus à cet égard. Les scrutateurs ont informé David Skrober de la violation potentielle.

Finalement, les plaintes n<sup>os</sup> 31.1 et 40 (c) allèguent qu'à Calgary, un bureau de vote avait été établi dans le stationnement externe d'un édifice de Telus, que les membres pouvaient s'y présenter et voter en ligne et qu'un « nombre limité de tasses à café » de la campagne Miller et de son équipe étaient disponibles. À la réception de cette plainte, les scrutateurs ont demandé à ce que le bureau de vote soit immédiatement enlevé. Il semble qu'il l'ait été dès réception de la demande des scrutateurs. Néanmoins, l'établissement dudit bureau de vote s'avère une violation des règles.

Après avoir examiné toutes les allégations portant sur le processus à l'unité 213, les administrateurs tirent les conclusions suivantes :

- L'appui et le courriel qui ont suivi la réunion du 7 mars constituent manifestement une violation du Manuel d'élections dans les sections locales.
- En date de la réunion du 11 avril, les trois candidats au poste de président de la section locale avaient eu l'occasion de s'adresser aux membres de l'unité, et il n'existe aucune preuve voulant que de la documentation de campagne ait été distribuée pendant la réunion.
- Même s'il n'existe aucune preuve qu'un courriel ait été envoyé aux membres de l'unité 213 les avisant de la motion qui demandait au bureau exécutif d'appuyer Isabelle Miller et l'équipe Leadership 2018, il est clair que des membres présents à la réunion du 11 avril ont quitté la réunion avec l'impression qu'on y appuyait Isabelle Miller et l'équipe Leadership 2018. Nous n'avons reçu aucune preuve montrant que ces membres avaient été avisés que la motion était inappropriée, irrecevable et en violation des règles électorales et qu'ils devaient la considérer comme étant nulle.
- Pour ce qui est du bureau de vote, bien que l'établissement d'un tel bureau constitue une violation des règles électorales, il s'avère qu'il a été enlevé rapidement après la réception de la demande des scrutateurs de le faire, et il a été confirmé qu'aucun vote n'avait été effectué à l'aide du portable installé à cette fin.

Nous ne croyons pas que les violations identifiées qui se sont vraiment produites aient eu une incidence sur les résultats définitifs de l'élection à aucun des postes autres que ceux de dirigeant exécutif régional de l'Alberta. Au total, 90 membres de l'unité 213 ont voté. La différence entre les votes qu'ont obtenus les candidats aux postes de dirigeants exécutifs régionaux de l'Alberta était inférieure à ce nombre. Nous sommes d'avis que le courriel du 7 avril et la motion adoptée à la réunion du 11 avril pourraient avoir influencé suffisamment les membres de l'unité 213 et influé sur les résultats de l'élection aux postes de dirigeants exécutifs



régionaux de l'Alberta. Afin d'assurer l'intégrité du processus électoral et de déterminer quels sont les souhaits réels des membres de l'Alberta, nous recommandons de procéder à une nouvelle élection aux postes de dirigeants exécutifs régionaux de l'Alberta dès que possible.

Finalement, de nombreuses autres contestations exigent un examen plus approfondi, notamment les appuis personnels et l'activité sur les médias sociaux. Même si les activités des membres concernant les appuis et l'utilisation généralisée des médias sociaux nous préoccupent, nous croyons que l'influence que pourraient avoir eue ces activités n'a entraîné aucune conséquence majeure sur les résultats définitifs de l'élection. Pendant la campagne, des efforts ont été déployés pour remédier aux violations connues et mettre fin aux activités inappropriées.

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## **RAPPORT DÉFINITIF DES ADMINISTRATEURS**

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Comme nous l'avons indiqué au début, le bureau exécutif de la SL 1944 a demandé à ce que la section locale soit mise sous tutelle parce qu'il était incapable de réagir de façon certaine au rapport des scrutateurs sur les contestations électorales déposées pendant l'élection dans la SL 1944. Conséquemment, les administrateurs soussignés ont reçu le mandat de revoir les contestations électorales, le rapport des scrutateurs et tous les faits et allégations soumis.

Lorsqu'il faut déterminer la validité d'une élection dans une section locale, le défi consiste à prendre en considération les répercussions d'une activité électorale inappropriée ou d'une violation des Statuts, du Manuel d'élections dans les sections locales et des règlements du Syndicat des Métallos tout en respectant la volonté des membres votant. À la fin, cet examen ouvre la voie à plusieurs possibilités :

- Déterminer que l'élection, ou une partie de celle-ci, a été entachée et a) ordonner la tenue d'une nouvelle élection, ou b) décider d'une nouvelle période de nomination et ordonner la tenue d'une nouvelle élection; ou
- Déterminer que l'élection n'a pas été entachée de manière à entraîner des conséquences et confirmer les résultats de l'élection.

Après avoir examiné toutes les contestations, le rapport des scrutateurs et la documentation à l'appui de cette affaire, et appliqué les dispositions des Statuts, du Manuel d'élections dans les sections locales et des règlements du Syndicat des Métallos, ainsi que les politiques et procédures de la section locale, nous sommes d'avis qu'à l'exception de l'élection aux postes de dirigeants exécutifs régionaux de l'Alberta, l'élection du 19 avril 2018 n'a pas été suffisamment entachée d'irrégularités pour que les résultats soient compromis. Par conséquent, nous recommandons que les résultats électoraux pour tous les postes autres que ceux de dirigeants exécutifs régionaux de l'Alberta soient confirmés et certifiés et que les personnes suivantes soient déclarées élues :

Présidente

Isabelle Miller

Vice-présidente (Colombie-Britannique)

Betty Carrasco



Vice-présidente (Est de l'Alberta)	Donna Hokiro
Secrétaire-trésorier	Michael Phillips
Dirigeants exécutifs régionaux (Colombie-Britannique)	Denise Chisholm
	Jayson Little
Dirigeante exécutive régionale (Ontario)	Brooke Downey
Dirigeant exécutif régional (Québec)	Pierre-Luc Dick
Syndics	Michelle Ravary
	Kim Woodroffe
	Jordan Mohle

Afin d'assurer l'intégrité du processus électoral et de déterminer quels sont les souhaits réels des membres de l'Alberta, nous recommandons de procéder à une nouvelle élection pour les postes de dirigeants exécutifs régionaux de l'Alberta dès que possible.

Finalement, comme nous l'avons indiqué au début du rapport, les administrateurs et le nouveau bureau exécutif doivent se pencher sur de nombreuses autres questions avant que la tutelle puisse être levée. Ils devront entre autres revoir la structure de la section locale et veiller à ce qu'elle possède une assise financière durable à l'avenir. Nous devons nous pencher, entre autres, sur la représentation et les frais juridiques, le traitement des griefs et les questions liées à la dotation en personnel. Toutes ces questions doivent être résolues avant que la section locale ne puisse véritablement aller de l'avant.

Soumis respectueusement,

L'administrateur,

Le coadministrateur,

Le coadministrateur,

Ron Wyatt

Mark Rowlinson

Scott McRitchie

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## DOCUMENTS À L'ANNEXE A

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- Résultats de l'élection
- Tableau sommaire des contestations et décisions des administrateurs
- Documents des scrutateurs concernant les contestations de l'élection
- Autres recommandations des scrutateurs



# ÉLECTIONS DE LA SECTION LOCALE 1944 DES MÉTALLOS

## Élections du Bureau exécutif:

Poste	Nom	Bulletin de vote	Pourcentage
Président de la Section locale (1)	Ross Brown	403	21.5%
	Isabelle Miller	791	42.3%
	Lee Riggs	656	35.0%
	Abstentions	22	1.2%
	<b>Total:</b>	1872	
Vice-président de la Section locale pour la Colombie-Britannique (1)	Betty Carrasco	930	49.9%
	Sharlaine McIntyre	738	39.6%
	Abstentions	195	10.5%
	<b>Total:</b>	1863	
Vice-président de la Section locale pour l'Alberta-Est (1)	Donna Hokiro	922	49.7%
	Anthony Lebel	747	40.2%
	Abstentions	187	10.1%
	<b>Total:</b>	1856	
Secrétaire-trésorier de la Section locale (1)	Michelle Dey	789	42.6%
	Michael Phillips	951	51.3%
	Abstentions	112	6.0%
	<b>Total:</b>	1852	
Dirigeants exécutif régionaux de la Colombie-Britannique (2)	Brent Armstrong	338	18.6%
	Denise Chisholm	456	25.1%
	Tom Cusick	350	19.3%
	Sherry Fraser	211	11.6%
	Jayson Little	425	23.4%
	Abstentions	34	1.9%
	<b>Total:</b>	1814	
Dirigeants exécutif régionaux de l'Alberta (2)	John Alma	161	18.2%
	Steve Durrell	265	30.0%
	Kyle Johnston	199	22.5%
	David Skrober	231	26.2%
	Abstentions	27	3.1%
	<b>Total:</b>	883	
Dirigeants exécutif régionaux de l'Ontario (1)	Brooke Downey	96	58.9%
	Ivor Labrador	62	38.0%
	Abstentions	5	3.1%
	<b>Total:</b>	163	

# ÉLECTIONS DE LA SECTION LOCALE 1944 DES MÉTALLOS

Dirigeant exécutif régional du Québec (1)

Kaoutar Belaaziz	46	22.9%
Pierre-Luc Dick	150	74.6%
Abstentions	5	2.5%
<b>Total:</b>	<b>201</b>	

Syndics (3)

Robert Briza	495	10.4%
Max Deveau	340	7.1%
Brenda Forward	195	4.1%
Wendy Haill	208	4.4%
Norm Leffler	281	5.9%
Steve MacIntosh	525	11.0%
Neil Marshall	122	2.6%
Jordan Mohle	576	12.1%
Travis Ostash	78	1.6%
Michelle Ravary	644	13.5%
Sébastien Whissell	540	11.3%
Kim Woodroffe	637	13.4%
Abstentions	123	2.6%
<b>Total:</b>	<b>4764</b>	

## Élections de l'Unité 2 (Victoria) :

Poste

Conseiller d'unité (2)

Nom

Joel Dutil	13	43.3%
Steve Bond	12	40.0%
Chris Greene	3	10.0%
Abstentions	2	6.7%
<b>Total:</b>	<b>30</b>	

## Élections de l'Unité 5 (Usine de Burnaby) :

Poste

Vice-président d'unité (1)

Nom

Gerald Jang	23	57.5%
Mindy Johnson	13	32.5%
Abstentions	4	10.0%
<b>Total:</b>	<b>40</b>	

## Élections de l'Unité 8 (Kamloops) :

Poste

Vice-président d'unité (1)

Nom

Corey Bonthoux	23	56.1%
Craig Lee	14	34.1%
Abstentions	4	9.8%
<b>Total:</b>	<b>41</b>	



# ÉLECTIONS DE LA SECTION LOCALE 1944 DES MÉTALLOS

Conseiller d'unité (4)	Wayne Lavoie	26	19.4%
	Corey Bonthoux	29	21.6%
	Tommy Gagliano	28	20.9%
	Matt Dickinson	24	17.9%
	Kelly Beaven	26	19.4%
	Abstentions	1	0.7%
	<b>Total:</b>	134	

## Élections de l'Unité 213 (Calgary - Clérical) :

### Poste

Vice-président d'unité (1)	<b>Nom</b>		
	Crystal Morris	31	34.8%
	Gigi (Genevieve) Wojdyga	54	60.7%
	Abstentions	4	4.5%
	<b>Total:</b>	89	

## Élections de l'Unité 501 (Barrie) :

### Poste

Président d'unité (1)	<b>Nom</b>		
	Erika Crowe	23	62.2%
	Wendy Haill	14	37.8%
	<b>Total:</b>	37	

Vice-président d'unité (1)	Diane Darroch	9	24.3%
	Erika Crowe	8	21.6%
	Brenda Forward	8	21.6%
	Lauren Harrington	12	32.4%
	<b>Total:</b>	37	

Conseiller d'unité (7)	Erika Crowe	24	10.3%
	Lauren Harrington	26	11.2%
	Wendy Haill	19	8.2%
	Brenda Forward	21	9.0%
	Jason Hoffman	18	7.7%
	Joane Leblanc	19	8.2%
	Rita Holopainen	19	8.2%
	Diane Darroch	24	10.3%
	Tammy Arsenault	29	12.4%
	Cheryl Carter	19	8.2%
	Brenda Fairhead	15	6.4%
	<b>Total:</b>	233	

## Élections de l'Unité 602 (Québec Mobilité) :

### Poste

Président d'unité (1)	<b>Nom</b>		
	Sebastien Whissell	68	66.0%
	Brendan Taylor	32	31.1%
	Abstentions	3	2.9%
	<b>Total:</b>	103	

# ÉLECTIONS DE LA SECTION LOCALE 1944 DES MÉTALLOS

Vice-président d'unité (1)

Danis Bouffard	65	63.1%
Minh Khoi Chau	29	28.2%
Abstentions	9	8.7%
<b>Total:</b>	<b>103</b>	

Conseiller d'unité (8)

Rachelle Vaillancourt-Poirier	47	8.4%
Sebastien Whissell	62	11.1%
Robert Messier	46	8.2%
Widmarc Innocent	49	8.2%
Kaoutar Belaaziz	40	7.2%
Claude Fontaine	44	7.9%
Danis Bouffard	56	10.0%
Brendan Taylor	41	7.3%
David Matroud	40	7.2%
Minh Khoi Chau	30	5.4%
Emmanuel Kusombi	32	5.7%
Domenic Donofrio	18	3.2%
Reine Bombo	27	4.8%
Fred Feudi	20	3.6%
Abstentions	7	1.3%
<b>Total:</b>	<b>559</b>	



N°	Catégorie de contestation	Détermination de la violation selon les scrutateurs	Référence	Description	Décision définitive des administrateurs
1	Aucune	-----		-----	-----
2, 7a, 42f	Appui suivant la réunion du bureau exécutif de l'unité 213 – 7 mars 2018	Oui		Appui inapproprié suivant la réunion du bureau exécutif de l'unité 213	Violation du Manuel d'élections dans les sections locales du Syndicat des Métallos – La violation a pu influencer sur le résultat définitif de l'élection des postes de dirigeants exécutifs régional de l'Alberta. Acceptée
3	Courriel/message texte	Non		Demande de la liste des contacts du message texte Demande refusée – Liste non communiquée	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
4	Aucune	-----		-----	-----
5	Élection dans l'unité	Pas en cause		Admissibilité – Omission des exigences relatives aux réunions Rejetée par le BUREAU EXÉCUTIF	Résolue par les scrutateurs et rejetée
6	LOGO	Oui/Non		Utilisation de 1944 dans un courriel	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
7b	Harcèlement	Non		Plainte pour intimidation Aucune preuve fournie	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
8	Médias sociaux/photos	Oui		Utilisation inappropriée de photos du site Web de la section locale Rejetée par le BUREAU EXÉCUTIF	– Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
9, 42e	Médias sociaux/photos	Oui		Utilisation inappropriée de photos du site Web de la section locale	– Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
10a	Retirée	-----		-----	-----
10b	Encouragement à faire campagne	Non		Allégation d'encouragement inapproprié	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée

10c, 12a, 13	Financement	Non		Page Go Fund Me Rejetée par le BUREAU EXÉCUTIF	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
11	Courriel/message texte	Non		La contestation recommandait d'interdire l'envoi de courriels et de messages texte – conformément au CRTC/Service du contentieux	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
12b	Élection dans l'unité	Pas en cause		Membre de l'unité 5 inadmissible comme représentant(e) de l'unité 1 Acceptée par le BUREAU EXÉCUTIF	Rejetée conformément à l'adoption du rapport sur les résultats d'élection de l'unité. Après un examen approfondi, sous l'autorité des administrateurs, la/le membre a été élu(e) par acclamation représentant(e) de l'unité 1. – <b>Voir note plus bas</b>
12c	Élection dans l'unité	Pas en cause		Admissibilité de la candidate/du candidat Établie Rejetée par le BUREAU EXÉCUTIF	Résolue et rejetée
12d, 14	Courriel/message texte	Non		Demande d'envoyer des appuis par courriel comme l'unité 213 Demande refusée	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
15	Appui	Non		Appui d'un(e) candidat(e) individuel(e)	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
16	Appui	Oui		Unité 201 – hyperliens dans les communications internes	Violation du Manuel d'élections dans les sections locales du Syndicat des Métallos - Aucune preuve que la violation a influé sur les résultats définitifs de l'élection Résolue
17	LOGO	Non		Allégation d'utilisation inappropriée du LOGO dans le site Web par la campagne de Ross Brown Aucune preuve fournie Rejetée par le BUREAU EXÉCUTIF	Résolue et rejetée



18	Élection - généralité	Non		Plainte générale sur le déroulement de la campagne relativement à l'envoi postal de la candidate Miller	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
19	Aucune	-----		-----	-----
20	Appui/LOGO	Oui		Communication de l'unité 60 Usage inapproprié du LOGO et appui sur Facebook Acceptée par le BUREAU EXÉCUTIF	Violation du Manuel d'élections dans les sections locales du Syndicat des Métallos - Aucune preuve que la violation a influé sur les résultats définitifs de l'élection Résolue
21, 40a, 42g, 42h	LOGO	Oui		Usage inapproprié du LOGO – tasses à café et t-shirts Acceptée par le BUREAU EXÉCUTIF	Violation du Manuel d'élections dans les sections locales du Syndicat des Métallos - Aucune preuve que la violation a influé sur les résultats définitifs de l'élection
22	- Utilisation des ressources du syndicat pour distribuer du matériel de campagne - Motion visant à obliger l'exécutif de l'unité à l'appuyer	Oui		Faits survenus à la réunion de l'unité 213 le 11 avril 2018	Après un examen approfondi – La motion était une violation du Manuel d'élections dans les sections locales du Syndicat des Métallos - La violation a pu influencer sur les résultats définitifs de l'élection aux postes de dirigeants exécutifs régionaux de l'Alberta. Acceptée en partie
23, 25a, 25b, 25g, 25h, 25i, 2fj, 25k, 35, 38, 40b, 42a, 42b, 42c	Envoi postal	Indéterminé		Accès inapproprié à la liste des membres et utilisation inadéquate de celle-ci, travail de l'unité de négociation, atteinte à la vie privée, utilisation sélective de la liste des membres	Après un examen approfondi – Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos ni des politiques et procédures de la section locale Rejetée
24	Aucune	----		-----	-----
25c	Courriel/message texte	Non		Interdiction de messages texte	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée

25d	Élection - généralité			Information insuffisante présentée dans la contestation. À première vue injustifiée	Rejetée
25e	Élection - généralité			Information insuffisante présentée dans la contestation. À première vue injustifiée	Rejetée
25f	Élection - généralité			Information insuffisante présentée dans la contestation. À première vue injustifiée	Rejetée
25l	Envoi postal			Information insuffisante présentée dans la contestation. À première vue injustifiée	Rejetée
25m, 43, 47a	Envoi postal	Non		Formulation utilisée dans l'avis de non-responsabilité	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
25.1a	Envoi postal	Non		Avis de non-responsabilité Réponse à une contestation de la formulation de l'avis de non-responsabilité	Pas une véritable contestation
25.1b	Envoi postal	Non		Réponse à une contestation de l'accès à la liste des membres	Pas une véritable contestation
25.1c	Envoi postal	Non		Réponse à une contestation relative à une demande d'envoi postal	Pas une véritable contestation
25.1d	Élection - généralité			Diffamation. Information insuffisante présentée dans la contestation. À première vue injustifiée.	Rejetée
26, 42i	Appui	Non		Message d'une/d'un gestionnaire de Telus sur Facebook	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
27	Élection dans l'unité	Pas en cause		Admissibilité aux postes de l'unité et de la section locale Rejetée par le BUREAU EXÉCUTIF	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
28	Harcèlement	Non		Vidéo/messages passés en revue par le Syndicat international	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée



29	Élection - généralité	Non		Distribution de dépliants le jour du vote - Aucune preuve fournie	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
30	Objet : Contestations	Non		Demande de copies des plaintes	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
31.1, 40c, 42d	Élection - généralité	Oui		Bureau de vote inapproprié – unité 213 Acceptée par le BUREAU EXÉCUTIF	Après un examen approfondi - Violation du Manuel d'élections dans les sections locales du Syndicat des Métallos - Aucune preuve que la violation a influé sur les résultats définitifs de l'élection
32	Courriel/message texte	Oui		Courriel de masse – les réponses sont toutes des courriels indésirables Accepter – renversée par le BUREAU EXÉCUTIF/Rejetée	Après un examen approfondi - Violation du Manuel d'élections dans les sections locales du Syndicat des Métallos - Aucune preuve que la violation a influé sur les résultats définitifs de l'élection
33	Harcèlement	Non		Enregistrement vidéo de la famille	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
34	Élection dans l'unité	Pas en cause		Recrue/Vote non permis Acceptée par le BUREAU EXÉCUTIF	Élection par acclamation dans l'unité Rejetée
36	Élection - généralité	Non		Aucune information sur les résultats	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
37	Élection - généralité	Oui		Matériel de campagne exposé dans le véhicule de l'entreprise Information insuffisante présentée dans la contestation À première vue injustifiée	Rejetée
39	Aucune	-----		-----	-----
40d	Élection - généralité	Non		Plainte générale Information insuffisante présentée dans la contestation À première vue injustifiée	Rejetée

41	Utilisation des biens de l'entreprise	Oui		Vidéo promotionnelle de la campagne avec des images inappropriées Information insuffisante présentée dans la contestation À première vue injustifiée	Tentative de procéder à examen approfondi – La vidéo n'a pas été fournie. Rejetée
44	Ressources du syndicat	Non		Utilisation du téléphone cellulaire payé par le syndicat	Après un examen approfondi – La preuve a montré qu'il s'agissait d'un téléphone personnel et non du téléphone payé par le syndicat. Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
45	Élection dans l'unité	Pas en cause		Erreur de déclaration au sujet de la candidate gagnante/du candidat gagnant Acceptée par le BUREAU EXÉCUTIF	Résolue et rejetée
46	Élection dans l'unité	Pas en cause		Inadmissibilité Acceptée par le BUREAU EXÉCUTIF	Rejetée
47b	Envoi postal	Non		La plaignante/le plaignant n'a pas reçu le matériel de tous les candidats Rejetée par le BUREAU EXÉCUTIF	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
48	Médias sociaux	Non		Utilisation de « Stand at Noon »	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
49	Diffusion vocale	Non		Diffusion vocale non autorisée selon le CRTC/Service du contentieux	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
50	Remplacement du poste vacant de scrutateur	Non		Démission et remplacement de la scrutatrice/du scrutateur	Aucune violation du Manuel d'élections dans les sections locales du Syndicat des Métallos Rejetée
51	Service d'assistance téléphonique	Non		Ligne de soutien du système Intelivote – accès au NIP Acceptée par le BUREAU EXÉCUTIF	Résolue et rejetée



Note : N° 12b Contestation de l'élection dans l'unité

Bien que le comité des scrutateurs ait techniquement tiré la bonne conclusion, nous avons exercé notre pouvoir discrétionnaire et nommé Steve Colby secrétaire de l'unité 1, car personne ne désire pourvoir ce poste vacant. Nous désirons préciser que cette situation ne crée pas de précédent. Nous avons agi de la sorte pour deux raisons. D'abord, comme nous l'avons dit, un poste est vacant et, deuxièmement, nous ne voulions pas amalgamer des unités pour le moment en raison de postes vacants non comblés.





## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No:	2
About member / candidate/ process:	Isabelle Miller, Miller Slate
Complaint:	<p>This email was forwarded to me by many angry 213 members. They are not happy that the unit 213 executives have used union resources to endorse Isabelle Miller and her slate. Have the rules changed? Are Ross Brown and Lee Riggs able to use unit email addresses to send endorsements out as well?</p> <p>Please investigate and get back to me. Thank you for your time,</p> <p>Contents of the Email. FROM: Unit 213 [mailto:1944unit213@gmail.com [1]] SENT: Wednesday, March 7, 2018 2:15 PM TO: Unit 213 SUBJECT: Unit 213 Executive Endorses Leadership 2018 slate Hello 3030!</p> <p>The Unit 213 Executive has voted nearly unanimously to support the Leadership 2018 Slate for the upcoming USW TWU Local 1944 elections on April 19th.</p> <p>Isabelle Miller, our current Vice-President for Alberta-East heads a slate of talented and dedicated union activists who are ready to bring change desperately needed at our Local.</p> <p>For more information on this slate, please visit <a href="http://www.miller2018.ca">http://www.miller2018.ca</a> [3]</p>
USW Regulations:	<p><b>USW Local Union Elections Guidelines</b></p> <ul style="list-style-type: none"><li>• In order to make certain that no member is given the impression that a candidate has the endorsement of a United Steelworkers entity, no candidate or supporters of candidates shall print, or be permitted to print campaign material on any type of union letterhead, to apply any United Steelworkers logos to any campaign materials or media, or to use any union materials or media, whether from the local, the district, or the international</li><li>• No moneys, facilities or resources of any Local Union, and no moneys, facilities or resources of an employer shall be contributed or applied to promote or oppose the candidacy</li></ul>

	<p>of any person.</p> <ul style="list-style-type: none"> <li>• This prohibition applies to all Local Union communications and not simply to those Local Union publications which are affiliated with the United Steelworkers Press Association.</li> </ul> <p>Perquin, John April 11, 2018 3:12 PM</p> <p>Units don't make endorsements. A Unit Executive can only decide to make an endorsement if all known candidates for a position have been given an opportunity to speak before the membership. If the rules have been followed and the Unit Executive then decides to make an endorsement, none of the Union's assets or resources can be used to convey that decision unless it has been the normal practice of the Unit Executive to publish the minutes of its meetings.</p> <p>Perquin, John April 16, 2018 11:56 AM</p> <p>After consulting with the USW Legal Department in Canada, the USW Information Systems and New Media Departments in both Canada and the U.S., as well as with 3rd party vendors, we unfortunately are not able to grant your requests to access the Local 1944 membership data for the use of voice broadcast messaging, text messaging and or email messaging for campaigning in the upcoming Local Union election. Concerns have been raised about the ability to implement protocols that will ensure strict adherence to the USW policies on privacy and use of membership data as well as avoiding potential issues with Canadian law. We will continue to explore options, but until we are certain that the protections necessary are in place to ensure our members contact information and privacy is protected and respected, requests for similar access and use will be denied for all candidates.</p>
Teller Response:	Unit email addresses can not be used. Endorsements can not be sent
Violation: Yes/No	Yes
Election impacting:	Yes. Isabelle Miller / Miller Slate (only those elected)
Teller Recommendation:	To be determined.



## Teller Report on USW 1994 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 03	
About member / candidate/ process:	Request for campaign text message to contact the local membership blocked.
Complaint:	<p>Mon, Mar 12, 2018 at 2:45 PM</p> <p>My name is Isabelle Miller, and I am writing to you to file a complaint of interference with my rights as a candidate for the position of President.</p> <p>Please see the email below for further details. In January, while meeting with John Perquin from the USW International, I specifically asked about about the use of the text messaging and emails to contact the Local membership. I was told what the process would be and followed it. Michael Phillips and two others were present during the conversation.</p> <p>I sent my request last week for the text message to be sent. On Friday end of day I was advised that Executive Assistant to the current President Lee Riggs (also a candidate) had received the request but chose not to action it, even though an interpretation had been attached from the USW International.</p> <p>Now, I've just received the email below indicating that my opposing candidate has instructed the staff not to send my text until he receives clarification from the USW. The clarification is already there, so the delay is interfering with my campaign strategies directly.</p>
USW Regulations:	<p>March, 13 2018</p> <p>As per phone conversation with John Perquin at which Isabelle was present, all text and email communication with the members by all candidates was halted until a legal review of privacy issues could be completed.</p> <p>Perquin, John April 16, 2018 11:56 AM</p> <p>After consulting with the USW Legal Department in Canada, the USW Information Systems and New Media Departments in both Canada and the U.S., as well as with 3rd party vendors, we unfortunately are not able to grant your requests to access the Local 1944 membership data for the use of voice broadcast messaging, text messaging and or email messaging for campaigning in the upcoming Local Union election. Concerns have been raised about the ability to implement protocols that will ensure strict adherence to the USW policies on privacy and use of membership data as well as avoiding potential issues with Canadian law. We will continue to explore options, but until we are certain that the protections necessary are in place to ensure our members contact information and privacy is protected and respected, requests for similar</p>

	access and use will be denied for all candidates.
<b>Teller Response:</b>	<ul style="list-style-type: none"> <li>o Lee Riggs as President was acting on behalf of the USW when instructing the staff not to send any texts until he had received clarification from the USW.</li> <li>o Email sent Fri, Apr 6, 2018 We, the tellers, are addressing your complaint of using text messaging and emails to contact local membership. We believe you are aware this concern has been addressed within the conference call held Tuesday morning March 13th. We believe while the concern is being dealt with the International legal team and no other candidate slates are using the USW texting platform to communicate with the local membership and therefore all candidates are playing on an even ground and your rights as a candidate are not being interfered with.</li> <li>o</li> </ul>
<b>Violation: Yes/No</b>	No
<b>Election impacting:</b>	No – all candidates were equally barred from sending text messages
<b>Teller Recommendation:</b>	<p>Update the USW Local Union Elections Guidelines” to include:</p> <p>“No candidate can request to access the Local 1944 membership data for the use of voice broadcast messaging, text messaging and or email messaging for campaigning in Local Union election”</p>

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No:	5
About member / candidate/ process:	Robert Messier Unit Counsellor won - one of eight positions
Complaint:	Why is there an exception to Article VII Section 10 attendance requirement? Robert Messier is concerned as an active unit member who has proven good attendance at Unit meetings why he has to face an election against members who have not previously been active at local Unit meetings.
USW Regulations:	<p>Letter dated March 14<sup>th</sup>, 2018 from Secretary Treasurer Michael Phillips to the International Secretary Treasurer Stan Johnston.</p> <p>March 14, 2018 Stan Johnson International Secretary-Treasurer United Steelworkers 60 Boulevard of the Allies Pittsburgh, PA 15222, USA</p> <p><b><u>RE: Request for the waiving of Unit meeting attendance eligibility requirement for Local Union Executive Board Election and Unit Elections</u></b></p> <p>TWU, USW Local 1944 is aware that USW International President Leo Gerard will soon be establishing a new set of USW Local 1944 By-Laws modeled upon the By-Laws for Amalgamated Local Unions.</p> <p>One provision of the Local's draft By-Laws states the following:</p> <p>"No member shall be eligible for election as a Local Union Officer or election to a Unit position in any regular election or election to fill a vacancy unless: ... c) The member shall have attended at least one third (1/3) of the regular meetings held by the member's Unit, if the member's Unit has regularly scheduled meetings, during the twenty-four (24) month period immediately preceding the month in which the election is to be held."</p> <p>Previously, TWU, USW Local 1944 has not had any By-Law or policy mandating Unit meeting attendance to be a factor in determining the eligibility of a candidate for Local or Unit office. This new language would pose problems for the conduct of USW Local 1944's April 2018 Local Union Executive Board Election and Unit Elections as members' meeting attendance has not been as meticulously recorded at the Unit level as it likely would have been had this eligibility requirement been in effect throughout the past 24 months. It is likely that many Units will have missing records of</p>



	<p>individual attendance at Unit meetings for much of the previous 24 months as these records were not previously considered to bear upon candidate eligibility. The creation of a new and retroactive criterion of eligibility so soon before our Local and Unit elections may result in the disqualification of many otherwise eligible candidates due to no fault of their own.</p> <p>Owing to this, TWU, USW Local 1944 requests that you waive this prospective By-Law for our April 2018 Local Union Executive Board Election and Unit Elections. Our Election Tellers will be determining the eligibility of nominated candidates for office next week (March 19-23) and shortly afterward we must forward the finalized candidate names to our electronic balloting vendor. For this reason, we would require a decision as to whether this criterion of eligibility can be waived before Friday, March 23.</p> <p>We had been waiting until our new By-Laws were established before asking for a provision of these By-Laws to be waived, however, time constraints now require that we make this request in advance.</p> <p>We intend that Unit-level record keeping concerning member attendance will quickly be brought in line with USW standards going forward. I can be reached at michael.phillips@usw1944.ca or 604-437-8601 if there are any questions.</p> <p>In Solidarity, Michael Phillips Secretary-Treasurer TWU, USW Local 1944 Cc: John Perquin, Chris Youngmark</p>
Teller Response:	As per above letter, due to the lack of attendance records, Article VII Section 10 was waived..
Violation: Yes/No	No
Election impacting:	Yes
Teller Recommendation:	Ensure All Unit Executives begin a proper record keeping of attendance at all Unit meetings.

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No:	6
About member / candidate/ process:	Betty Carrasco Local Union Vice-President BC
Complaint:	Betty Carrasco used the #USW1944 on her Forward1944 post.
USW Regulations:	<p>Page 50 Local Union Elections Manual</p> <p>In order to make certain that no member is given the impression that a candidate has the endorsement of a United Steelworkers entity, no candidate or supporters of the candidates shall print, or be permitted to print campaign material on any type of union letterhead, to apply any United Steelworkers logos to any campaign materials or media, or to use any union materials or media, whether from the local, the district, or the international.</p> <p>The USW Logo is the property of the union and is not to be incorporated in any campaign material or media.</p>
Teller Response:	Requested that Betty Carrasco remove the #USW1944 hash tag
Violation: Yes/No	Yes
Election impacting:	No
Teller Recommendation:	No recommendation required. Facebook page was corrected and #USW1944 was removed before the Tellers could verify

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 7(a)	SEE COMPLAINT #2
About member / candidate/ process:	
Complaint:	
USW Regulations:	
Teller Response:	
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 7(b)	
About member / candidate/ process:	David Skrober, Candidate Regional Executive Officer Alberta
Complaint:	Complainant feeling bullied for supporting the opposing slate to which David Skrober is running on.
USW Regulations:	"...every member shall have the right to vote for or otherwise support the candidate of that member's choice without being subject to penalty, discipline, or improper interference or reprisal of any kind." page 49 of the elections manual.
Teller Response:	Referred Valerie to the Yellow Sheet. "USW members are entitled to a harassment free environment..
Violation: Yes/No	Subjective
Election impacting:	No
Teller Recommendation:	To be determined.

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018





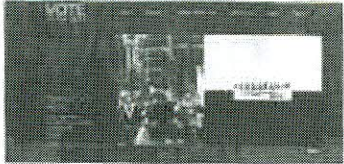
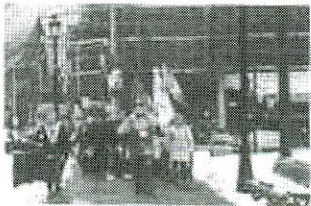




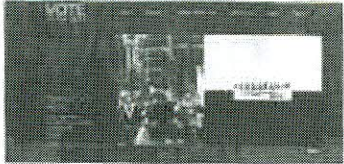
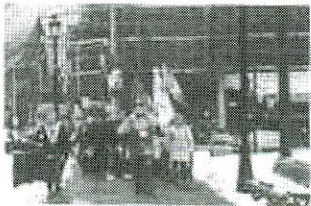




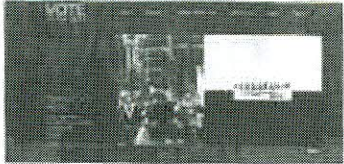
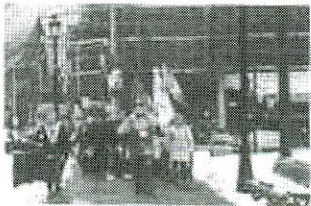
### Complaints

Complaint No:	8
About member / candidate/ process:	Pierre-luc Dick knew his request for photos could be in violation of election rules of the union.
Complaint:	<p>I believe that this conversation and request violates the election rules of amalgamated unions, by requesting to use property/images that are local union property and or contain local or union logos or copyright trademarks.</p> <p>I also believe based on the statement made in the conversation that in fact Pierre-luc had knowledge that this request could be in violation of election rules of the union.</p> <p>I was wondering, with all the pictures you've taken at convention in the past years, would you have any of me "in action" Like at the mic or up front at the table, etc. I'd like to have them to add to my portfolio. If you can let me know I'd appreciate ☺ Than you in advance</p> <p>And please if you can keep this to yourself. Thanks</p>
USW Regulations:	<p>"No moneys of any Local Union and no moneys of an employer shall be contributed or applied to promote the candidacy of any person."</p> <p>"In order to make certain that no member is given the impression that a candidate has the endorsement of a United Steelworkers entity, no candidate or supporters of candidates shall print, or be permitted to print campaign material on any type of union letterhead, to apply any United Steelworkers logos to any campaign materials or media, or to use any union materials or media, whether from the local, the district, or the international."</p>
Teller Response:	<p>Sent April 6<sup>th</sup> 2018 "Letter to candidates from USW Local 1944 Tellers:</p> <p>Candidates: Cannot use photos posted on the union website - for any campaign purpose. The photos were taken by union photographers, employed by the union.</p>
Violation: Yes/No	Yes
Election impacting:	To be determined.
Teller Recommendation:	To be determined at the Executive Meeting on May 14, 15



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

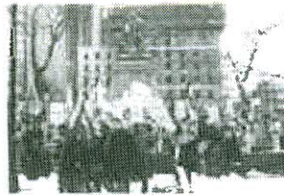
Complaint No:	9						
About member / candidate / process:	Isabelle Miller, Leadership2018						
Complaint:	<p>Miller2018.ca, and Leadership2018.ca websites have used Local Union monies and resources by unauthorized use of union photos posted on facebook.com/usw1944/, flickr.com/photos/usw1944 and flickr.com/photos/usw-metallos/ in order to promote their candidacy.</p> <table border="1"> <tbody> <tr> <td>  </td><td> <p>This is an official Local 1944 image taken by staff at the 2017 Local Annual Delegated Meeting using Local Union monies &amp; resources.</p> <p><a href="https://www.flickr.com/photos/usw1944/34850644088/">https://www.flickr.com/photos/usw1944/34850644088/</a></p>  <p>Original image.</p> </td></tr> <tr> <td>  </td><td> <p>This is an official Local 1944 image taken by staff at the 2017 Local Annual Delegated Meeting using Local Union monies &amp; resources.</p> <p><a href="https://www.flickr.com/photos/usw1944/34883693141/">https://www.flickr.com/photos/usw1944/34883693141/</a></p>  <p>Original image.</p> </td></tr> <tr> <td>  </td><td> <p>This is an official Local 1944 image taken by staff at the 2016 National Policy Conference using Local Union monies &amp; resources.</p> <p><a href="https://www.facebook.com/usw1944/photos/a.116261983378277.1073741847.5683467532/12911482630357123268/">https://www.facebook.com/usw1944/photos/a.116261983378277.1073741847.5683467532/12911482630357123268/</a></p>  <p>Original image.</p> </td></tr> </tbody> </table>		<p>This is an official Local 1944 image taken by staff at the 2017 Local Annual Delegated Meeting using Local Union monies &amp; resources.</p> <p><a href="https://www.flickr.com/photos/usw1944/34850644088/">https://www.flickr.com/photos/usw1944/34850644088/</a></p>  <p>Original image.</p>		<p>This is an official Local 1944 image taken by staff at the 2017 Local Annual Delegated Meeting using Local Union monies &amp; resources.</p> <p><a href="https://www.flickr.com/photos/usw1944/34883693141/">https://www.flickr.com/photos/usw1944/34883693141/</a></p>  <p>Original image.</p>		<p>This is an official Local 1944 image taken by staff at the 2016 National Policy Conference using Local Union monies &amp; resources.</p> <p><a href="https://www.facebook.com/usw1944/photos/a.116261983378277.1073741847.5683467532/12911482630357123268/">https://www.facebook.com/usw1944/photos/a.116261983378277.1073741847.5683467532/12911482630357123268/</a></p>  <p>Original image.</p>
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This is an official Local 1944 image taken by staff at the 2016 National Policy Conference using Local Union monies & resources.

<https://www.facebook.com/usw1944/photos/a.162619833789277.1073741847.5683467532172916262480456579>



Original image



On this particular page, 4 photos are used. 3 are official Local 1944 images taken by staff at the 2017 Local Annual Delegated Meeting or the 2016 National Policy Conference using Local Union monies & resources. 1 photo is from the 2017 Justice Conference taken by a USW staff photographer using Union monies & resources.

<https://www.facebook.com/usw1944/photos/a.162619833789277.1073741847.5683467532172916262480456579>



Original image

<https://www.flickr.com/photos/usw1944/34950640085/>



Original image

<https://www.flickr.com/photos/usw1944/34380363675/>





Original image

<https://www.flickr.com/photos/usw-metalab/36777158284/in/album-7215768250103321/>



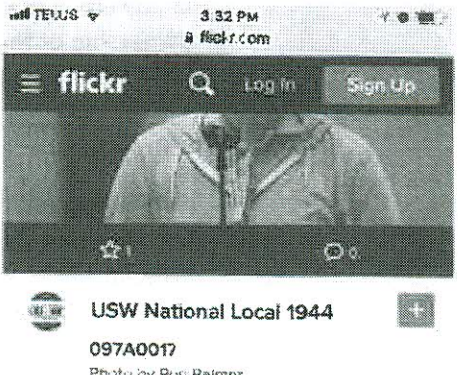
Original image

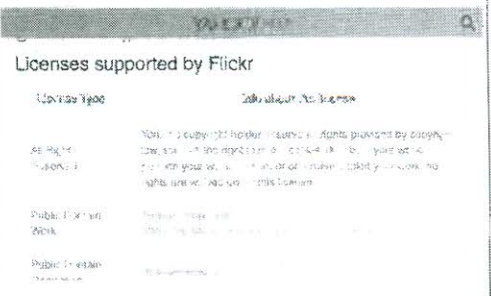
	<p><b>The links for the photos are as follows:</b></p> <ul style="list-style-type: none"> <li>a. flickr.com/photos/usw1944/34950640086/ - by Jim Orfino</li> <li>b. flickr.com/photos/usw1944/34880693141/ - by Ron Palmer</li> <li>c. facebook.com/usw1944/photos/a.1162619833789977.1073741847.568346753217291/1162620057123288/ - by Brett Barden</li> <li>d. facebook.com/usw1944/photos/a.1162619833789977.1073741847.568346753217291/116261690456458/ - by Brett Barden</li> <li>e. facebook.com/usw1944/photos/a.1162619833789977.1073741847.568346753217291/1162620480456579/ - by Brett Barden</li> <li>f. flickr.com/photos/usw1944/34990585675/ - by Ron Palmer</li> <li>g. flickr.com/photos/usw-metallos/36777158284/in/album-72157686650103321/ - by Kim Hume</li> </ul>	
USW Regulations:	<p>"No moneys of any Local Union and no moneys of an employer shall be contributed or applied to promote the candidacy of any person."</p> <p>"In order to make certain that no member is given the impression that a candidate has the endorsement of a United Steelworkers entity, no candidate or supporters of candidates shall print, or be permitted to print campaign material on any type of union letterhead, to apply any United Steelworkers logos to any campaign materials or media, or to use any union materials or media, whether from the local, the district, or the international."</p> <p>Union members, officers and employees may not use cell phones provided and fully paid for with Union funds to engage in campaign activities. Where someone is personally responsible to pay the monthly cost of the cell phone in excess of a limited reimbursement provided by the Local Union, such persons will be considered to have met their obligation to pay for personal use related to campaign activities.</p> <p><b>April 6<sup>th</sup> 2018 "Letter to candidates from USW Local 1944 Tellers"</b>  Candidates: Cannot use photos posted on the union website - for any campaign purpose. The photos were taken by union photographers, employed by the union.</p> <p><b>ACTION:</b> We expect candidates and/or their campaigns to take appropriate and prompt action to remove or correct any of the above violations.</p>	
Isabelle Miller's Additional Comments /Complaints & Teller Response:	<p><b>Isabelle Miller's Comments/Complaints</b></p> <p><b>April 8th</b>  I have not taken any pictures from our union's website nor the Local Union's website.</p>	<p><b>Teller Response</b></p> <p>Yes you have. "union website" includes:</p> <p>facebook.com/usw1944/</p> <p> TWU USW National Local 1944  Like This Page • 61,000 Members • 1,000 Followers</p> <p>flickr.com/photos/usw1944</p> <p> USW National Local 1944  usw1944 • 4 Followers • 2 Following</p>



	<p><b>April 8th</b> I can state unequivocally that I myself have taken pictures on my phone and shared them with the Local to use, as have other Officers.</p> <p>A simple cursory search of even my personal Facebook page (facebook.com/liamandisabelle) will show timestamps for nearly every picture on my Miller2018.ca site as being in my possession for personal use long before the campaign started.</p>	<p>Using a union phone to take photos to use in your campaign is an election violation.</p> <p>For every photo taken on a union cell phone, the member needs to pay their cost of the cell phone plan for month(s) that the photos are time stamped.</p>
	<p><b>April 8th</b> Last but not least, the Local and the Union have even uploaded photos to public domain sites and used the public settings which encourage and do not limit the use of the photos they upload there for public consumption.</p>	<p>Public consumption - Yes. Candidate use - No.</p>
	<p><b>17 Apr 2018</b> Isabelle Miller #9 Re: Addressing a complaint sent to the Tellers - with photos for review - final?</p> <p>There is no attachment unfortunately... but thank you for confirming the issue is resolved.</p>	<p>The photo attachments were missing from the first email sent, and attached in a following email.</p> <p>The word "final?" in the subject line does not mean that the issue is resolved.</p>
	<p><b>May 2nd</b> I also hope... the person who filed the complaint ...is not a member</p>	<p>The complaint about photos, pictured above, was filed by USW 1944 member(s).</p>
	<p><b>May 2nd</b></p> <p>There is no rule within the election manual that indicates that a picture taken by a retiree who claims to have kept personal copyright no less is a violation of a USW Election Manual. I do not understand then how I stand accused of being "in direct violation of the Local Union Elections Manual in using photographs taken by Union photographers."</p>	<p>The Local 1944 communications specialist maintains facebook.com/usw1944/, and flickr.com/photos/usw1944 for USW 1944. The USW Canadian National communications office maintains flickr.com/photos/usw-metallos/ These sites are official social media communications tools of the USW.</p> <p>Regardless of who took the photos (members or non-members), photos on these "union sites" - can not be used for any campaign purpose.</p>



	<p><b>May 2<sup>nd</sup></b></p> <p>Each of their pictures were not taken from the Local website, and the letter from the Tellers with extra rules dated April 6 specifically states "Cannot use photos posted on the union website". Based on the document sent by email April 17, each picture being questioned came from a public site called Flickr.</p>	<p>In clarification, when the April 6th 2018 "Letter to candidates from USW Local 1944 Tellers" states that "Candidates: Cannot use photos posted on the union website - for any campaign purpose" the term union websites includes all social media and internet platforms that are maintained by USW members, who are paid to maintain and administer the sites. This includes but is not limited to facebook.com/usw1944/ and flickr.com/photos/usw1944.</p>
	<p><b>May 2<sup>nd</sup></b></p> <p>Each of their pictures were not taken from the Local website, and the letter from the Tellers with extra rules dated April 6 specifically states "Cannot use photos posted on the union website". Based on the document sent by email April 17, each picture being questioned came from a public site called Flickr. As such, I do not understand how they could stand accused in being in violation of any policy, rule, guideline, nor letter. Anyone could easily identify that Flickr is not owned in any part by the USW nor by the Local. The terms of service for Flickr constitute a legally binding agreement for use of their site, and do not in any way provide for ownership by the individuals or group to the site itself.</p>	<p>A reminder that the union rules are about union candidates using union photos. flickrs rules/laws about private use of photos does not supersede those of the union. In addition - every photo posted on the site shows <b>"All Rights Reserved"</b></p>  <p><b>"All Rights Reserved"</b></p>

	<p><b>May 2<sup>nd</sup></b></p> <p>The United Steelworkers and Local 1944 have separate accounts on Flickr's site. Again, prior to making any determination that any use of the pictures there were deemed a violation, it would have been incumbent on Tellers to review these terms of service.</p>	<p>Flickr agrees with the Tellers</p> 
	<p><b>May 2<sup>nd</sup></b></p> <p>It is my recollection from the conference call that included myself, some Tellers, and John Perquin, that one Teller self-identified as a photographer and wanted access to the USW Legal Department to ask questions. Yet there is nothing regarding any outcome of conversations with the USW legal department outlined in any email that indicate any part ownership of the Flickr website by the USW to make it a "union website".</p>	<p>The Local 1944 communications specialist maintains <a href="https://facebook.com/usw1944/">facebook.com/usw1944/</a>, and <a href="https://flickr.com/photos/usw1944/">flickr.com/photos/usw1944/</a> for USW 1944. The USW Canadian National communications office maintains <a href="https://flickr.com/photos/usw-metallos/">flickr.com/photos/usw-metallos/</a> - they are official social media communications tools.</p> <p>If Isabelle Miller still wishes for lawyers to get involved – then this issue can go to tribunal.</p>
	<p><b>May 2<sup>nd</sup></b></p> <p>please respond to confirm if you are still deeming that there are any actual violations of rules against me specifically related to my image</p>	<p>The complaint is not against the individuals in the photos, but that the photos were posted on <a href="https://leadership2018.ca">leadership2018.ca</a> against the Miller Slate. The violation was reported to you as the head of the Miller Slate, and one with authority to make/authorize changes on the <a href="https://leadership2018.ca">leadership2018.ca</a> site.</p>
	<p><b>May 2<sup>nd</sup></b></p> <p>please respond to confirm whether there are any actual violations of rules against the other 4 individuals and whether or not you would be contacting them at all about the complaint</p>	<p>All members of the Miller slate are in violation.</p>
Violation: Yes/No	<p>Yes – use of photos</p> <p>Yes – use of cell phones - if monthly rate plan isn't paid No - use of cell phones - if monthly rate plan is paid</p>	



Election impacting:	Yes. Isabelle Miller / Miller Slate (only those elected)
Teller Recommendation:	<p>In the future Tellers should include examples of the photos that are violations in the notices sent out to members..</p> <p>Amended <b>USW Local Union Elections Guidelines</b> to state:</p> <p>Candidates: Cannot use photos posted on "union websites" – for any campaign purpose. The term union websites includes all social media and internet platforms that are maintained by USW members for/on behalf of the union.</p> <p>This includes but is not limited to:</p> <ul style="list-style-type: none"><li>• facebook.com/usw1944/</li><li>• flickr.com/photos/usw1944</li><li>• flickr.com/photos/usw-metallos/</li></ul>



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No:	10 a
About member / candidate/ process:	Isabelle Miller
Complaint:	Given that the merger document specifically indicated that these elections will be run under our current TWU policies and not the elections Manual, and given we have not received new By-Laws that would activate your roles as Tellers and the Elections Manual, I am seeking clarification as to how you will be able to process any complaints you receive prior to the new By-laws coming into effect (if ever)?
USW Regulations:	It is the Tellers understanding that John Perquin informed the local that they were to operate these elections under the draft bylaws. As these bylaws were implemented on March 15 <sup>th</sup> we are now operating under these new bylaws. All complaints will be processed as per the local union election manual.
Teller Response:	This election is to operate under the draft bylaws which were implemented on March 15 <sup>th</sup> , 2018.
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	No recommendations bylaws implemented.

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No:	10 (b)
About member / candidate/ process:	Lee Riggs
Complaint:	(1) Accusing Lee Riggs of dangling a "union carrot" to a local member, a placement in the Leadership Development Program for an endorsement. (2) Claiming the member does not have the basic qualifications of being a leader in her unit nor the Local.
USW Regulations:	No reference found
Teller Response:	Qualifications for The leadership program application: "District Directors nominate activists to the program who demonstrate commitment and service to the USW. Each District is allotted a specific number of participants to nominate to the program on a per capita basis". Several unit executive members are able to put forth names of members who demonstrate commitment and service to the USW. Valerie would have also passed an interview with the Director of the district Steve Hunt and then Valerie would have then passed a final interview with the international including Leo Gerard.
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No:	10c
About member / candidate/ process:	Denise Chisholm Local Union Regional Executive officer BC
Complaint:	GoFundMe page – See 13
USW Regulations:	
Teller Response:	
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No:	11
About member / candidate / process:	Request for information re: block on emails and texts
Complaint:	<p>From: isabelle miller Sent: <b>Monday, March 26, 2018 5:19 PM</b> To: Perquin, John</p> <p>Over 2 weeks ago I complained to the Tellers in Local 1944 regarding my opposing candidate Lee Riggs and his Executive Assistant Brett Barden delaying my ability to contact the membership list via text message.</p> <p>Mine was the only request sent so it would not have been unreasonable. It would take less than 30 mins of staff hours to perform the task which is not an unreasonable burden. I sat on the line as he erroneously indicated that text messages have only been sent to our members on the issue of bargaining, knowing this information was easily verifiable with the CNO who have sent texts for us on other matters. Yet, after all this, the Tellers were to check in quickly with the legal department to be sure of what is already clear: there are no breaches of any privacy laws or USW rules to access the local membership list through text and email instead of through snail mail.</p> <p>The Tellers have not responded yet and by consequence, I have not been able to contact the membership, placing me at a disadvantage within the election process. The time lapse is not beginning to hinder my campaign as I only have 3 weeks and 3 days to communicate with 9600 members.</p> <p>At our LUDM last week, a delegate from B.C. literally got up and asked why the Local doesn't communicate more often by text, ironically. This indicates to me that members would be receptive to the manner in which I am trying to reach them.</p> <p>I would like to know please (1) how do I address the delay in process of my complaint, (2) if I need to pay for Facebook ads to target these members in the meantime <u>will I be able to claim financial damages for the difference in cost</u>, and (3) same question as number 2 if snail mail is used in the meantime? Because I believe the goal is to run the clock knowing these other means are quite more expensive than text for me to reach the membership.</p>

	<p><b>Sun, 8 Apr 2018</b> Isabelle Miller wrote:</p> <p>Thank you for responding. I do wish there had been some sort of confirmation as to when I will know if I will be able to use texting and email or not. I've had interactions with brother Perquin since my initial complaint and he did not offer a particular date at which I will be advised.</p> <p>I understand that the matter is now in the hands of the legal department. I'm not sure as to whether or not the intent is for them to send me a reply directly given I had filed the original request and subsequent complaint, or whether they would be contacting you the Tellers, or whether it would be brother Perquin.</p> <p>If they contact the Tellers, may I ask that you please advise me of the outcome? I'd appreciate that, thank you.</p>
USW Regulations:	<p><b>Perquin, John</b> <b>April 3, 2018</b></p> <p>Isabelle, you are requesting something that no one before you has ever requested. FYI, there is no legal requirement that we are aware of at this time that requires the Union to accommodate your specific request. We are still consulting with the Legal Department and others to determine next steps if any. When and if a decision is made to agree to allow candidates to text message the membership, you will be advised accordingly. Please know that <u>you will not be able to claim reimbursement for any expenses you may incur to distribute campaign related information to the membership.</u></p> <p><b>Perquin, John</b> <b>April 12, 2018</b></p> <p>... by way of an update, we have consulted with our Legal Department and our New Media Department. We are working through the issues of how the appropriate protocols can be put in place to assure the members' privacy in accordance with our principles and Canadian law. We have been reaching out to a couple vendors to make sure they can abide by our protocols. As soon as we know what can be done, if anything, to accommodate your request, we will let you know.</p> <p><b>Perquin, John</b> <b>April 16, 2018</b></p> <p>After consulting with the USW Legal Department in Canada, the USW Information Systems and New Media Departments in both Canada and the U.S., as well as with 3rd party vendors, we unfortunately are</p>



	<p>not able to grant your requests to access the Local 1944 membership data for the use of voice broadcast messaging, text messaging and or email messaging for campaigning in the upcoming Local Union election. Concerns have been raised about the ability to implement protocols that will ensure strict adherence to the USW policies on privacy and use of membership data as well as avoiding potential issues with Canadian law. We will continue to explore options, but until we are certain that the protections necessary are in place to ensure our members contact information and privacy is protected and respected, requests for similar access and use will be denied for all candidates.</p>
Teller Response:	<p><b>April 9th</b>  Yes, should the Tellers hear back from the International legal team on or before April 19th we will be sure to contact you.</p> <p><b>LUEM page 50</b>  No moneys, facilities or resources of any Local Union and no moneys, facilities or resources of an employer shall be contributed or applied to promote or oppose the candidacy of any person. Moneys of the Local Union may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.</p> <p>The prohibition includes, but is not limited to, the expenditure of money from the Local Union treasury, the use of Local Union equipment or supplies, the publication and dissemination of campaign literature on behalf of or against a candidate at the Local Union's expense, and the use of Local Union financed publications or communications to members to support or oppose a candidate. This prohibition applies to all Local Union communications and not simply to those Local Union publications which are affiliated with the United Steelworkers Press Association.</p> <p><b>Tellers:</b>  Candidates do not get reimbursed for campaign expenses.  All candidates have the same delay.</p>
Violation: Yes/No	No,
Election impacting:	No
Teller Recommendation:	



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 12(a)	SEE COMPLAINT #13
About( member / candidate/ process:	
Complaint:	
USW Regulations:	
Teller Response:	
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 12(b)	
About member / candidate/ process:	Steve Colby Unit Secretary
Complaint:	Steve Colby is an active member registered to unit 5 headquartered on Gilmore Ave in Burnaby. He should have transferred to Unit 1 years ago and therefore should not be acclaimed or nominated for a Unit Secretary position out of Unit 1 in Richmond.
USW Regulations:	Article VII Section 9(b) "The member is employed in an enterprise, public or private, or other place within the jurisdiction of the Local Union.
Teller Response:	The Tellers decided to waive the infraction of Article VII Section 9)b) due to the fact that Steve Colby is a field technician with specific needs for his work vehicle. The Gilmore Ave compound of Unit 5 does not provide secure parking and therefore Steve has been reporting to the Richmond compound, Unit 1 where he is able to secure his vehicle behind a locked gate. Steve has been doing so for the past 12 years.
Violation: Yes/No	No
Election impacting:	No, Steve received acclaimed status.
Teller Recommendation:	Milena Moved Steve Colby back to Unit1 in UnionWare

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No:	12(c)
About member / candidate/ process:	Andrew Bull Unit Vice Chair Acclaimed status
Complaint:	Challenges Article VII Section 9(b) page 12 The Vice Chair for Unit 16, Andrew Bull should have transferred to Unit 31 so he is ineligible for this position.
USW Regulations:	Article VII Section 9(b) page 12 "The member is employed in an enterprise, public or private, or other place within the jurisdiction of the Local Union.
Teller Response:	The Tellers, on April 13, 2018, verified with the assistance of office staff and the use of UnionWare, that Andrew Bull is indeed an active member of Unit 16, based on his Peachland work location.
Violation: Yes/No	No.
Election impacting:	No, Acclaimed status
Teller Recommendation:	Advise Unit Executives to remind members to ensure their information is updated with the Union Office: Address, phone numbers, email address membership card, any transfers necessary.



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No:	12(d) and 14
About member / candidate/ process:	Breach of USW policies on privacy and the use of membership data...
Complaint:	<p>The endorsement email sent by Isabell Miller, was forwarded to me by many angry 213 members. They are not happy that the unit 213 executives have used union resources to endorse Isabelle Miller and her slate.</p> <p>Have the rules changed? Are Ross Brown and Lee Riggs able to use unit email addresses to send endorsements out as well?</p> <p>Please investigate and get back to me.</p>
USW Regulations:	<p>"After consulting with the USW Legal Department in Canada, the USW Information Systems and New Media Departments in both Canada and the U.S., as well as with 3rd party vendors, we unfortunately are not able to grant your requests to access the Local 1944 membership data for the use of voice broadcast messaging, text messaging and or email messaging for campaigning in the upcoming Local Union election. Concerns have been raised about the ability to implement protocols that will ensure strict adherence to the USW policies on privacy and use of membership data as well as avoiding potential issues with Canadian law. We will continue to explore options, but until we are certain that the protections necessary are in place to ensure our members contact information and privacy is protected and respected, requests for similar access and use will be denied for all candidates."</p>
Teller Response:	See Complaint #2
Violation: Yes/No	<ul style="list-style-type: none"> <li>• NO violation on Karen's part as there is no evidence she sent out email messaging for campaigning purposes. Advised Karen although the elections are over it is still possible to forward evidence regarding another slate breaching such rulings.</li> <li>• YES, refer to complaint #2 about the email sent by Isabelle to 213 members.</li> </ul>
Election impacting:	Refer to Complaint 2
Teller Recommendation:	<ul style="list-style-type: none"> <li>• Remind Candidates you can not right a wrong by doing wrong.</li> <li>• Amend by-laws for TWU/USW Local Union 1944 to reflect this ruling directed from the International.</li> </ul>

## Teller Report on USW 1994 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 13	
About member / candidate/ process:	Denise Chislom
Complaint:	GoFundMe contains Anonymous Donors
USW Regulations:	<p>The USW Local Union Elections Manual:</p> <p>"Every member in good standing shall have the right to vote for or otherwise support the candidate of that member's choice without being subject to penalty, discipline, or improper interference or reprisal of any kind." Page 49</p> <p>"No moneys of any Local Union and no moneys of an employer shall be contributed or applied to promote the candidacy of any person." Page 50</p>
Teller Response:	<p>Other than the two regulations listed above there are actually no other requirements for donations.</p> <p>The Tellers created the following guidelines for donations in response to three complaints about GoFundMe allowing anonymous donors.</p> <p>Reference: "Letter to candidates from USW Local 1944 Tellers - Donations to candidates"</p> <ul style="list-style-type: none"><li>○ Donations are allowed from any steelworker in good standing.</li><li>○ If asked the candidate should be able to produce a list of donors to the Tellers (example: GoFundMe, spreadsheet, etc.)</li><li>○ No moneys for the Union and no moneys from an employer may be used to support or oppose a candidate.</li><li>○ We have no rules set out for contributing to candidates other than those found in the Local Union Elections Manual.</li><li>○ Similarly, there are no reporting rules set out in the Local Union Elections Manual.</li></ul> <p>Tellers requested a list of all donors and amounts from Denise Chislom. All donors to Denise Chislom's GoFundMe are Steelworkers in good standing.</p>
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	Add "Letter to candidates from USW Local 1944 Tellers"- to the USW Local Union Elections Guidelines

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 14	SEE COMPLAINT 12(d)
About member / candidate/ process:	
Complaint:	
USW Regulations:	
Teller Response:	
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 15	
About member / candidate / process:	Michelle Dey
Complaint:	Possible Endorsement of Candidate
USW Regulations:	
Teller Response:	<p>Although the email could be found to have a "Subtle" form of endorsement, we find that it would be such a minor effect as to not warrant concern.</p> <p>As per John Perquin, Assistant to the International Secretary-Treasurer;</p> <p><i>"As an outsider looking in, if there is a subtle endorsement effort going on here, it seems to be extremely subtle."</i></p> <p>We do not find this a matter of concern, and consider this matter closed.</p> <p>Lori Ruggles asked if she could appeal this ruling. Suggested page 44 of Local Union Election Manual section on <u>Reports, Protests and Appeals</u> .</p>
Violation: Yes/No	No
Election impacting:	In our opinion, No
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 16	
About member / candidate/ process:	Kim Piea
Complaint:	Local 201 endorsement of a candidate/Hyperlinks on social media sites
USW Regulations:	<p>"In order to make certain that no member is given the impression that a candidate has the endorsement of a United Steelworkers entity, no candidate or supporters of candidates shall print, or be permitted to print campaign material on any type of union letterhead, to apply any United Steelworkers logos to any campaign materials or media, or to use any union materials or media, whether from the local, the district, or the international."</p> <p>And:</p> <p>"Local Unions are prohibited from directly or indirectly Linking their websites and/or social media, blogs, texts. Emails as well as other digital communications tools with a candidate's website(s) and/or social media, blogs, texts. Emails as well as other digital communications tools."</p>
Teller Response:	Tellers requested that all links and references to a particular candidate/campaign, be removed from all local 201 media sites i.e.: Facebook, Twitter, Instagram etc...
Violation: Yes/No	Yes
Election impacting:	Yes, The Miller Slate (only those elected)
Teller Recommendation:	Update USW Election Regulations and Guidelines. Proper instruction of all USW Election regulations and guidelines on the use of all Local Union media Sites. i.e.: What can and cannot be posted.

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 17	
About member / candidate/ process:	Ross Brown
Complaint:	USW Logo in Ross Brown Campaign
USW Regulations:	As per the Local Union Election Manual page 50 paragraph in all Caps:  <b>"THE USW LOGO IS THE PROPERTY OF THE UNION AND IS NOT TO BE INCORPORATED IN ANY CAMPAIGN MATERIAL OR MEDIA."</b>
Teller Response:	On April 24, 2018 we responded to brother Durrell that upon investigation, the site in question had already been taken down. Unless proof could be obtained, we, the Tellers, would consider this matter closed. We did not hear back from brother Durrell and so closed this matter.
Violation: Yes/No	no
Election impacting:	Not proven
Teller Recommendation:	Before the election, and before any campaigning is done, all Candidates should be presented with, and sign, an agreement of understanding with the USW regarding the rules and local election policies as is outlined in the document.



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018


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### Complaints

Complaint No:	18
About member / candidate/ process:	Election
Complaint:	<p>I feel the need to express my disappointment in the recent election and how it has been handled. There was an accusation of inappropriate use of the membership mailing list, and a rebuttal that indicated that the mailout from Isabelle Miller was sent out by a third party. One of these is incorrect and we members don't know which one. If Ms. Miller used the appropriate method of distribution of her mailout, then the 1944 Forward team was out of line for indicating inappropriate use of the members mailing list; however, if her mailout was not done through a third party, then she should have been disqualified from the election.</p> <p>Unfortunately this incident and the accusations happened too close to the election for any investigation or even for the USW to respond to the allegations. I hope that this will be thoroughly investigated and if Ms. Miller is found to be in the wrong, a new election should be held. I expect to hear a decision and which party was guilty of inappropriate behaviour.</p>
USW Regulations:	
Teller Response:	<p>As per John Perquin, Assistant to the International Secretary-Treasurer:</p> <p><i>"Sister Duce, thank you for your input. Please know that I have been in contact by phone and by email with the Local's Tellers on many occasions during the course of the election. I am very impressed with the level of conscientiousness they are putting into their work. The Tellers have been inundated with numerous concerns, complaints, etc., and are doing their utmost to address each one of them in as timely a manner as possible. Your concerns about the post card mailing to the membership have also been raised by other concerned members and the Local's Tellers are addressing the issue. The Tellers will be issuing a Report on the election to the Local's Executive Board in due course and the Local's Executive Board will be voting on how to address each protest/complaint that has been filed as well as the Tellers' Report."</i></p>
Violation: Yes/No	To be determined by the Local's Executive Board
Election impacting:	To be determined by the Local's Executive Board
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No:	19
About member / candidate / process:	Isabelle Miller - unauthorized use of photo on Union maintained web site - and harassment of member.
Complaint:	 <p><a href="https://www.flickr.com/photos/usw1944/34950640086/">flickr.com/photos/usw1944/34950640086/</a></p> <p>Unauthorized use of photo from official union web site - and harassment of member.</p> <p><b>Members email to Isabelle Miller:</b></p> <p>Hi Isabelle          I noticed you are using one of my photos I took at the 2017 Convention. Image DSL_2202 to be exact. I provided that Photo, as all others, to the Union for nonpartisan usage. Since I still hold the copyright (and it is embedded in the metafile), and did not give permission for any other usage, I am asking for you to cease use/display of it, and any other images of mine, immediately.</p> <p><b>Members email to Tellers:</b>          11 Apr 2018          To Whom it may concern</p> <p>I am reporting use of one my photos taken at the 2017 Annual Convention, held in Edmonton in April/May of 2017. It is a Photo of VP East Isabelle Miller (DSL_2202). While I have allowed USW Local 1944 use of any photos I have provided them, that permission does not extend to individuals using them for Partisan purposes such as in Election campaigns. This photo, and possibly others, is being used on 2 websites that involve Ms. Miller. She did not ask me to provide her with any mages, so I will say she pulled the image(s) off the Union's Server drive. Other people did contact me for photos of themselves taken at the Conventions, I did not supply any as I figured they were going to be used for Partisan Purposes.</p>



	<p><b>Isabelle's email to the Tellers:</b> 17 Apr 2018</p> <p>I received an email from a retiree/non-member who indicated to me that he did not want me to use a picture he took of me. He said something peculiar about having retained personal copyright somehow of a picture he took of me at an event. Although I obliged him (and do not believe it was necessary), I asked him to provide me with proof of his special arrangement. He never did. I changed that picture which appeared in certain locations.</p> <p>I am choosing to wait until after this election to deal with that matter further, as he is not an active member and is a retiree. That being said, regarding the picture in question, there was a disclaimer for the event that was provided to me as a participant, and it directly contradicts his claim that he had any right to retain any personal copyright of photographs taken there.</p> <p>I also hope he was not the person who filed the complaint as he is not a member... In any event, I did take that picture down.</p> <p>Thanks, have a great evening!</p> <p>Isabelle Miller</p>
<p><b>USW Regulations:</b></p>	<p>"No moneys of any Local Union and no moneys of an employer shall be contributed or applied to promote the candidacy of any person."</p> <p>"In order to make certain that no member is given the impression that a candidate has the endorsement of a United Steelworkers entity, no candidate or supporters of candidates shall print, or be permitted to print campaign material on any type of union letterhead, to apply any United Steelworkers logos to any campaign materials or media, or to use any union materials or media, whether from the local, the district, April 6<sup>th</sup> 2018 "Letter to candidates from USW Local 1944 Tellers"</p> <p>Candidates: Cannot use photos posted on the union website - for any campaign purpose. The photos were taken by union photographers, employed by the union.</p> <p><b>ACTION:</b> We expect candidates and/or their campaigns to take appropriate and prompt action to remove or correct any of the above violations"</p> <p><b>May 2nd 2018</b> <b>Teller Question:</b> Are non-members/ retired members allowed to make complaints to Tellers?</p> <p><b>John Perquin's Response:</b></p>



	I am not sure how you can stop them from sending you their complaints. However, they have no standing and you do not have to address them. As a matter of courtesy, you could acknowledge their receipt.
<b>Teller Response:</b>	<p>April 24<sup>th</sup> As for the single photo that you mentioned, copyright rests with the photographer. Ownership information can be gleaned by right clicking on the photo and going into properties for the meta data.</p> <p>The photo flickr.com/photos/usw1944/34950640086/ can not be used by Isabelle Miller on leadership2018.ca or for any other campaign purpose.</p> <p>For additional info on photograph use see #9</p> <p><b>May 7<sup>th</sup></b>  <b>Teller Response to Isabelle Miller:</b>          "The term union websites includes all social media and internet platforms that are maintained by USW members, who are paid to maintain and administer the sites. This includes but is not limited to flickr.com/photos/usw1944..."</p> <p>The complaint about seven photos on leadership2018.ca was member submitted. See Complaint #9</p>
<b>Violation: Yes/No</b>	Yes
<b>Election impacting:</b>	Yes -Isabelle Miller
<b>Teller Recommendation:</b>	Even though the complainant is not a union member - we the Tellers wish to report on this to recommend that harassment of the complainant stop.

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 20	
About member / candidate/ process:	Jayson Little, Forward1944
Complaint:	Photo of Candidate next to voting Information, Unit 60 Endorsing a particular Candidate/Campaign, improper use of USW logo in Hashtags
USW Regulations:	<p>"In order to make certain that no member is given the impression that a candidate has the endorsement of a United Steelworkers entity, no candidate or supporters of candidates shall print, or be permitted to print campaign material on any type of union letterhead, to apply any United Steelworkers logos to any campaign materials or media, or to use any union materials or media, whether from the local, the district, or the international."</p> <p>And:</p> <p>"Local Unions are prohibited from directly or indirectly Linking their websites and/or social media, blogs, texts, Emails as well as other digital communications tools with a candidate's website(s) and/or social media, blogs, texts, Emails as well as other digital communications tools."</p> <p>And:</p> <p>The USW logo is the property of the Union, and is not to be incorporated in any campaign material or media</p>
Teller Response:	Tellers requested the photo be removed from next to the voting Information, Unit 60 requested to remove all material endorsing a particular candidate/Campaign, Forward1944 asked to remove all USW logos from all local union media sites.
Violation: Yes/No	Yes
Election impacting:	Yes, Jayson Little, Forward1944 Campaign
Teller Recommendation:	Update USW Election Regulations and Guidelines. Proper instruction of all USW Election regulations and guidelines on the use of all Local Union media Sites. i.e.: What can and cannot be posted.

## Teller Report on USW 1994 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 21	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	USW bug on Coffee Mugs and Campaign T-Shirts
USW Regulations:	<p>As per the Local Union Election Manual page 49;</p> <p>“In order to make certain that no member is given the impression that the Candidate has the endorsement of a United Steelworkers entity, no Candidate or supporters of Candidates shall print, or be permitted to print campaign material on any type of Union letterhead, to apply any United Steelworkers logos to any campaign materials or media, or use any Union materials or media, whether from the local, the district, or the International.</p> <p>As per the Local Union Election Manual page 50 paragraph in all Caps;</p> <p><b>“THE USW LOGO IS THE PROPERTY OF THE UNION AND IS NOT TO BE INCORPORATED IN ANY CAMPAIGN MATERIAL OR MEDIA.”</b></p>
Teller Response:	<p>As per the election manual (See above), and a conversation with John Perquin, Assistant to the International Secretary-Treasurer, held on April 27, 2018;</p> <p><i>“The USW Logo on the Coffee mugs is Not a Union bug, it is considered to be a USW Logo.”</i></p> <p>Therefore, as the Logo on the Leadership2018 Campaign T-Shirts is exactly the same as is on the Miller2018 mugs, then the Leadership2018 Campaign T-Shirts are included in this violation.</p>
Violation: Yes/No	Yes
Election impacting:	Yes, Isabelle Miller, Leadership2018, Miller2018
Teller Recommendation:	<p>As a presidential candidate, Isabelle Miller should have been aware of the improper use of the USW logo on the mugs and T-Shirts. Even if she did not request the bugs, upon receipt of the mugs and T-Shirts, they should not have been distributed as they were, regardless of the cost incurred to her.</p> <p>Before the election, and before any campaigning is done, all Candidates should be presented with, and sign, an agreement of understanding with the USW regarding the rules and local election policies as is outlined in the document.</p>



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 22	
About member / candidate/ process:	David Skrober, Isabelle Miller, Leadership2018, Miller2018
Complaint:	<ul style="list-style-type: none"><li>• Distribution of campaign materials using Union resources</li><li>• Motion to compel the Executive to endorse</li></ul>
USW Regulations:	<p><u>As per John Perquin:</u></p> <ul style="list-style-type: none"><li>• If the account of what took place at the meeting is accurate, the violations are egregious and cannot go unanswered.</li><li>• It is a violation to distribute campaign literature in any location being paid for with union funds. It can be done outside the building, but not inside the building. The rule is absolute. The time during which a membership meeting is being held where Candidates have been given permission to speak to the members about their respective campaigns is not an exception to the rule.</li><li>• The motion to compel the Unit Executive to endorse Isabelle was out of order. An Executive cannot be forced to endorse. That is a decision the members of the Executive must come to on their own, and it must be voluntary on their part. The "endorsement" in this case is to be considered immediately rescinded and all appropriate parties are to be advised accordingly. Isabelle is not to make any claims about having received an endorsement from this Unit's Executive. The minutes of the meeting are to be appended with an indication of the motion being declared out of order and the "endorsement" having no effect.</li></ul>
Teller Response:	Tellers sent emails to both David Skrober and Isabelle Miller as to the above quotes by John Perquin
Violation: Yes/No	Yes
Election impacting:	Yes, Isabelle Miller, Leadership2018, Miller2018
Teller Recommendation:	Before the election, and before any campaigning is done, all Candidates should be presented with, and sign, an agreement of understanding with the USW regarding the rules and local election policies as is outlined in the document.

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 23	
About member / candidate/ process:	Isabelle Miller, Miller Campaign
Complaint:	Post Card Mail out, Related Privacy Concerns
USW Regulations:	<p>"Local Unions must comply with all reasonable requests of any Candidate to distribute, by mail or otherwise, at the Candidate's own expense, campaign literature in aid of such person's Candidacy to all Members in good standing."</p> <p>"Every bona fide Candidate shall have the right, once within thirty (30) days prior to the election, to inspect (but not to copy) a list containing the names and last known addresses of all members of the local Union who are subject to a collective bargaining agreement requiring membership in the Union as a condition of employment. This list shall be maintained and kept at the principal office of the local Union by the Secretary-Treasurer."</p> <p>"Local Unions must not discriminate in favor of or against any Candidate with respect to the use of lists of members. Strict adherence to the International Union Policy against the copying or dissemination of such lists, and against the distribution, at the Local Union's expense, of campaign literature on behalf of any Candidate or of the local Union itself will assure compliance with this requirement of the Act."</p>
Teller Response:	There was no violation in terms of procedure or privacy by Sister Isabelle Miller as she was a bona fide Candidate and had the right to inspect the membership list ( <b>BUT NOT TO COPY</b> ) as well as to request a mail out on her behalf by the local Union.
Violation: Yes/No	No
Election impacting:	Yes, Isabelle Miller, Leadership2018, Miller Campaign
Teller Recommendation:	<p>Although this is not considered a violation per se, we the Tellers, feel that this was completely and utterly inappropriate. As a presidential candidate, Isabelle Miller should have been aware of the potential conflict of interest in contacting the Secretary-Treasurer in this matter as he is also a candidate running on her slate.</p> <p>Recommend bylaws be amended to create clear and concise processes and procedures in requesting a mail out to all members or a select group of members. Recommend that this information be posted so as all members have access to this information to avoid future complaints.</p>



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 25A	
About member / candidate/ process:	Forward1944, Lee Riggs
Complaint:	Allegations from Forward 1944  "Union did not coordinate the mailing. And the Local's MoveUp office staff did not print, retype the postcard, or mail the postcards – a violation of their collective agreement."
USW Regulations:	Local Union members, officers and employees may not use computers provided and/or paid for with Union funds to engage in campaign activities.
Teller Response:	The candidate cannot use union office staff for a campaign mail out. The union merely facilitates the mail out, through a 3 <sup>rd</sup> party vendor, on behalf of the candidate.  There was no violation of the MoveUp CBA as the office staff are only required for Union mailings, printings et..., not material for a candidate's campaign.
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No:	25B
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	<p>Allegations from Forward 1944</p> <p>"Our team FORWARD1944 candidates, Lee Riggs and Betty Carrasco, as Local Union Table Officers were unaware of any request to the Local Union to use the membership list for this purpose."</p>
USW Regulations:	
Teller Response:	Not Necessary. Technically, a table officer was contacted to request the use of the membership list for the purpose of a campaign mail out. Although, we feel very strongly that it was very inappropriate and careless to contact Michael Phillips, as he is also a candidate on The Miller slate.
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	<ol style="list-style-type: none"> <li>1. Improve the language to the bylaws that better spells out the Campaign mail out procedure and policies.</li> <li>2. Improve language to the bylaws that directs proper procedures in the case of a Secretary-Treasurer who is acting as both a Secretary-Treasurer and campaigning as a candidate.</li> <li>3. Add language to the bylaws that requires the signature of two table officers, of which <b>neither</b> are campaigning on the same slate, when requesting a mail out.</li> <li>4. We, the Tellers, believe this to be a grievous conflict of interest, as the Secretary-Treasurer should have recused himself immediately upon receiving the request for the mailing.</li> </ol>

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 25C	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	<p>Allegations from Forward 1944</p> <p>"The Miller campaign does have a request to use the Union's texting platform to send a text to all members. On this issue, the International has made it very clear that it is working with the Legal Department to ensure the appropriate protocols are in place to protect members' privacy in accordance with Canadian Law and the USW election rules."</p>
USW Regulations:	
Teller Response:	The request for texting was denied until it was cleared with Legal. This statement is correct and valid.
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 25D	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	Allegations from Forward 1944  "What the Miller team did is a clear violation of the election rules as set out by the International."
USW Regulations:	
Teller Response:	We were not quite sure what violation is being referred to. Vague... Which Election rule? And what was the violation?
Violation: Yes/No	To be Determined by Executive Committee
Election impacting:	To be Determined by Executive Committee
Teller Recommendation:	Complaints should be clear and concise.



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## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 25E	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	Allegations from Forward 1944  "In our opinion, the integrity of this election has been compromised by Isabelle Miller, Michael Phillips and the Miller Leadership Team."
USW Regulations:	
Teller Response:	
Violation: Yes/No	To be Determined by Executive Committee
Election impacting:	To be Determined by Executive Committee
Teller Recommendation:	



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 25F	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	Allegations from Forward 1944  "Immediate action must be taken. This fraudulent and dishonest behaviour is not the Steelworker way and goes against everything that the labour movement stands for."
USW Regulations:	
Teller Response:	
Violation: Yes/No	To be Determined by Executive Committee
Election impacting:	To be Determined by Executive Committee
Teller Recommendation:	

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## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 25G	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller 2018
Complaint:	Allegations from Forward 1944  "IMPORTANT NOTICE: Concern over unauthorized use of membership list by the Miller campaign."
USW Regulations:	
Teller Response:	This should be, and will be, decided upon by the Executive Committee, not by the Tellers or the Forward1944.
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	





## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 25H	
About member / candidate / process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	<p>Allegations from Forward 1944</p> <ol style="list-style-type: none"> <li>1. Many members have contacted us about receiving postcards with their personal addresses on it from the Miller campaign. Members have also raised concerns to us over the use of their private personal information.</li> <li>2. Neither the Local Union nor the International authorized the use of the membership list by Isabelle Miller and her team. This is a clear violation of the election rules, a breach of member privacy and an outrageous abuse of power.</li> </ol>
USW Regulations:	
Teller Response:	<ol style="list-style-type: none"> <li>1. We direct you to: "Local Unions must comply with all reasonable requests of any candidate to distribute, by mail or otherwise, at the candidate's own expense, campaign literature in aid of such person's candidacy to members in good standing"</li> <li>2. To be determined by the Executive Committee</li> </ol>
Violation: Yes/No	<ol style="list-style-type: none"> <li>1. No</li> <li>2. To be determined</li> </ol>
Election impacting:	
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 25 I	
About member / candidate / process:	Isabelle Miller, Lerdership2018, Miller2018
Complaint:	Allegations from Forward 1944  "If Isabelle Miller and her team are using a list that was not authorized, then frankly, they have stolen the membership list, along with confidential membership information. This is unacceptable."
USW Regulations:	
Teller Response:	
Violation: Yes/No	To be determined by the Election Committee
Election impacting:	To be determined by the Election Committee
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 25 J	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	<p>Allegations from Forward 1944</p> <p>"First off, it is highly inappropriate for a candidate to have direct access to the membership list and this is a violation of the election rules. This process should have been done by another staff member who is not a candidate or by the Local Union Election Tellers."</p>
USW Regulations:	Please see #35
Teller Response:	<p>As per a conversation between the tellers and John Perquin on Friday April 27, 2018 1pm,</p> <p>"In the past within the International, the Secretary-Treasurer has recused himself to remove any possibility of a conflict of interest."</p> <p>Michael Phillips should have recused himself and placed this in someone else's hands.</p>
Violation: Yes/No	Yes
Election impacting:	Yes
Teller Recommendation:	



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 25 K	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	Allegations from Forward 1944  "Second, if Michael Phillips then used the Intelivote list to support his candidacy and the Miller 2018 slate, then this is an abuse of his power and a violation of the election rules."
USW Regulations:	
Teller Response:	To be determined by the Executive Committee
Violation: Yes/No	To be determined by the Executive Committee
Election impacting:	
Teller Recommendation:	



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 25 L	
About member / candidate / process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	<p>Allegations from Forward 1944</p> <p>"Third, if Michael Phillips, and/or the Miller campaign had access to the official Intelivote membership list used to verify voter membership information, how do we know that fake email addresses and contact information have not been inserted into the list to "spoof" member information to allow the Miller campaign to fraudulently obtain voting pins?"</p>
USW Regulations:	
Teller Response:	To be determined by the Executive Committee
Violation: Yes/No	To be determined by the Executive Committee
Election impacting:	
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 25 M	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	<p>Allegations from Forward 1944</p> <p>"In addition, the postcard deceptively says that it was sent by Local 1944 on behalf of Isabelle Miller, at the expense of the candidate."</p>
USW Regulations:	
Teller Response:	<p>The Properly worded Disclaimer went:</p> <p><i>"In accordance with the USW Local Union Election Manual, the preceding message was sent by USW Local 1944 on behalf of candidate Isabelle Miller, at the candidate's request and expense.</i></p> <p><i>This message in no way represents an endorsement by the Local."</i></p> <p>We feel that if the <i>by USW Local 1944</i> was removed, the disclaimer was ok. As the USW Local 1944 is present, it is misleading in that it could read as being <u>endorsed</u> by the USW Local 1944.</p>
Violation: Yes/No	Yes
Election impacting:	Yes
Teller Recommendation:	



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 25.1 A	
About member / candidate/ process:	Lee Riggs, Forward1944
Complaint:	Allegations from Miller 2018  "The USW did approve, the USW approved and insisted on the disclaimer language."
USW Regulations:	
Teller Response:	The USW said that a Disclaimer had to be included on the mail out. The USW did not approve the disclaimer language itself. The USW said that the Disclaimer language used cannot in any way infer Union endorsement. See #25Q
Violation: Yes/No	Yes
Election impacting:	Yes
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 25.1 B	
About member / candidate/ process:	Lee Riggs, Forward1944
Complaint:	Answers to Forward1944 accusations from Miller 2018  "And I at no time have had any access to any list."
USW Regulations:	Every bona fide candidate shall have the right, once within thirty (30) days prior to the election, to inspect (but not to copy) a list containing the names and last known addresses of all members of the Local Union who are subject to a collective bargaining agreement requiring membership in the Union as a condition of employment. This list shall be maintained and kept at the principal office of the Local Union by the Secretary-Treasurer.
Teller Response:	We believe that Isabelle Miller had no access to the membership List.
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 25.1 C	
About member / candidate/ process:	Lee Riggs. Forward1944
Complaint:	Answers to Forward1944 accusations from Miller 2018  <ol style="list-style-type: none"><li>1. A proper reading of the elections manual will indicate to you the established right for a candidate to request a mail out at their expense.</li><li>2. The ability to do a mail out was discussed with President Riggs directly by the USW as witnessed by phone by me and others."</li></ol>
USW Regulations:	
Teller Response:	<ol style="list-style-type: none"><li>1. A "request" is not an Approval.</li><li>2. The "ability" was discussed, but not approved.</li></ol>
Violation: Yes/No	To be Determined by the Election Committee
Election impacting:	To be Determined by the Election Committee
Teller Recommendation:	



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 25.1 D	
About member / candidate/ process:	Lee Riggs, Forward1944
Complaint:	Answers to Forward1944 accusations from Miller 2018  "As such, your uninformed message above represents a direct defamation of my character and that of a fellow Officer of the Local, and shall be actioned accordingly."
USW Regulations:	
Teller Response:	Defamation and Libel issues are out of our purview as Tellers and as such will be decided upon by the Election Committee.
Violation: Yes/No	To be Decided upon by the Election Committee
Election impacting:	To be Decided upon by the Election Committee
Teller Recommendation:	



C:\Users\jfilion\Desktop\New folder\Tellors Report 25.1M.docx

## **Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018**

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### **Complaints**

Complaint No: 26	
About member / candidate/ process:	Anita Arab
Complaint:	Telus Manager Supporting Candidate, posting Campaign links
USW Regulations:	None required
Teller Response:	As Anita Arab is not a member of the Union, and the posts are on personal Social Media Sites, no Violation has occurred
Violation: Yes/No	No
Election impacting:	Yes
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 27	
About member / candidate/ process:	Sebastien Whissell
Complaint:	Sebastien Whissell is running for Trustee under the Miller Team and running for President of the Local. My understanding is that you can only run for one position at a time? Is this not also an abuse of power and corruption?
USW Regulations:	Permissible
Teller Response:	<p>As per John Perquin in email dated April 16, 2018:</p> <p>Brother Taylor, thank you for passing along your concern. Please be advised that it is permissible under the USW election procedure to run for both a Unit position and a Local Union Officer position. Thus it is permissible to run for the position of Unit President and Local Union Trustee at that same time. The prohibition is against running for two Local Union Officer positions at the same time. For example, one could not run for Local Union Trustee and Local Union Secretary-Treasurer at the same time. I trust that this answers your concern.</p>
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	



## **Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018**

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### **Complaints**

Complaint No: 28	
About member / candidate/ process:	Isabelle Miller
Complaint:	Harassment Complaint, Video and comments on web site
USW Regulations:	UNITED STEELWORKERS ANTI-HARASSMENT POLICY
Teller Response:	Isabelle Miller sent Yellow Card Information  Response from John Perquin on April 20,2018-04-27: Isabelle, we (Kai and myself) checked both the video and the comments posted about the video. We could not find anything that qualifies as harassment in the general sense, or, on any protected grounds. We also note that today the Facebook page referenced in your message has been taken down.
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	

## **Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018**

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### **Complaints**

Complaint No: 29	
About member / candidate/ process:	Lori Ruggles
Complaint:	Campaign Leafleting on vote day
USW Regulations:	"The supplemental Local Union Election Guidelines state on page 2 "union offices may not be used for campaign activities". "No campaigning on employer premises under any circumstance". "Nor on Union or Company time.
Teller Response:	Tellers informed Lori Ruggles of regulations
Violation: Yes/No	Only if leafleting was actually done
Election impacting:	Only if leafleting was actually done.
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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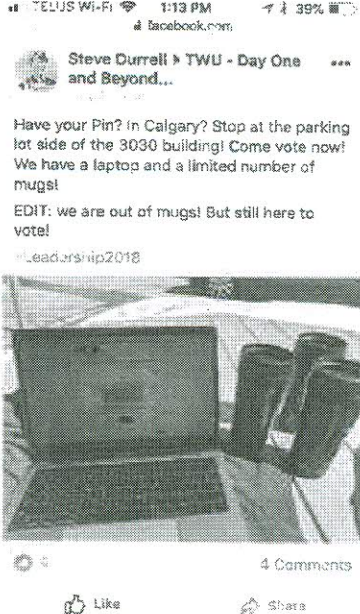
### Complaints

Complaint No: 30	
About member / candidate/ process:	Michael Phillips
Complaint:	Requesting a copy of all complaints against himself to better help the tellers to produce well-informed conclusions.
USW Regulations:	
Teller Response:	<p>We the Tellers, thank you for your comments, concerns and requests.</p> <p>We would like to refer you to page 34 of the Local Union Elections Manual titled: "Duties of the Election Committee." Number 14, page 37, states: "The Chairperson of the Election committee shall submit the committee report to, and for acceptance by, the membership at the next regular meeting following the election."</p> <p>We the tellers will present our report commencing at 8:30 am Monday May 14, 2018.</p>
Violation: Yes/No	N
Election impacting:	N
Teller Recommendation:	We are not sure if this is a violation, but we are pretty sure this is absolutely inappropriate.



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No:	31.1
From	Sabrina Daniels
About member / candidate / process:	Steve Durrell, Leadership2018
Complaint:	<p>Another example of sleazy voting practices !</p> 
USW Regulations:	<ul style="list-style-type: none"> <li>• No moneys, facilities or resources of the Local Union and no moneys, facilities or resources of an employer shall be contributed or applied to promote or oppose the candidacy of any person.</li> <li>• In order to make certain that no member is given the impression that a candidate has the endorsement of a United Steelworkers entity, no candidate or supporters of candidates shall print, or be permitted to print campaign material on any type of union letterhead, to apply any United Steelworkers logos to any campaign materials or media, or to use any union materials or media, whether from the local, the district, or the international.</li> <li>• No candidate for office shall be allowed at the polling place at any time except for the purpose of casting a vote.</li> </ul>

## Complaint 31.1

	<ul style="list-style-type: none"><li>• The USW logo is the property of the Union, and is not to be incorporated in any campaign material or media.</li></ul>
Teller Response:	<p>The Tellers requested that the voting station be removed Immediately.</p> <p>We also had a concern as to where the wireless signal was coming from. ex: company wireless.</p> <p>We received a response from Steve Durrell that the station was already down by the time that he received our email.</p>
Teller Recommendation:	<p>Before the election, and before any campaigning is done, all Candidates should be presented with, and sign, an agreement of understanding with the USW regarding the rules and local election policies as is outlined in the document.</p>

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 32	
About member / candidate/ process:	Ross Brown
Complaint:	Privacy Breach Mass WhatsApp Campaign Spam Where did this list of contacts come from
USW Regulations:	
Teller Response:	Sent to Privacy Officer
Violation: Yes/No	Yes
Election impacting:	Yes
Teller Recommendation:	All Candidates need to be made aware of strict Privacy rules.



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 33	
About member / candidate / process:	Donna Hokiro
Complaint:	Videotaping in public place. Donna Hokiro has videotaped myself and my child
USW Regulations:	Privacy and No Harassment Policy
Teller Response:	We, the Tellers, suggest that if you felt bullied and or harassed, Steelworker members are entitled to a harassment free environment at all Union activities, events and meetings. I refer you to the attached document.  Not on company or Union property. Not on company or union time. No copy of the video.
Violation: Yes/No	No
Election impacting:	No, unless video used for Campaign purposes
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 34	
About member / candidate/ process:	Martin Deschenes Unit Counsellor Unit 601
Complaint:	Martin claims he signed his new membership within two days of being hired. Nancy who does takes care of New hires for Unit 601 also says that she never missed a group. Martin's hire date was Oct 15 ,2015.
USW Regulations:	Article VII Section 9(a) Article VII Section page 13 "In the event none of the members nominated for a particular office is eligible, then both Section 9(a) and this Section 10 will be considered waived automatically for that office and the election for that office will be conducted among those members nominated who meet the requirements of Section 9(b) of this Article."
Teller Response:	Gave benefit of the doubt that the membership card was actually signed on or near the hire date of Oct 15, 2015
Violation: Yes/No	No
Election impacting:	No, positions for Unit Counsellor of Unit 601 were acclaimed.
Teller Recommendation:	Have Unit Executive remind their members to check with the Union office to ensure their information is up to date and correct. I.E. address, email address, phone number, unit transfers, etc.

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 35	
About member / candidate/ process:	Michael Phillips Local Union Secretary Treasurer
Complaint:	Michael is claiming his right for the mail out was approved by the International per a letter addressed to Michael Phillips from John Perquin, cc: Chris Youngmark, dated April 12 <sup>th</sup> , 2018.
USW Regulations:	<p>Quoting John Perquin's letter addressed to Michael Phillip's on April 12<sup>th</sup>, 2018</p> <p>Michael, we are working through the issue as best we can. However, until we are absolutely convinced that the appropriate protocols and Confidentiality Agreements are in place, we will not approve such communications with the members. All Candidates are being treated the same so none can claim either an advantage or disadvantage over another. There is nothing preventing any candidate from <u>requesting</u> to use the tested, tried and true method of regular mailings.</p> <p>On February 5<sup>th</sup>, 2018, Michael Phillips asked the International if Local 1944 would be allowed to send our membership list to Intelivote Systems Inc. for use in mailing out ballots to our members and verifying our voters who call into the Help Desk. Chris Youngmark replied back that "It will be OK for Local 1944 to send its membership list to Intelivote for the upcoming LU Elections, <u>but not for any other purpose</u></p> <p>John Perquin has stated that Secretary-Treasurers have in the past recused themselves of such activity due to the potential conflict of interest it could imposes.</p> <p><b>International Union Elections Manual:</b> <b>Part VI Campaign Conduct Section 2. Specific Applications 2(a)</b> Use of membership lists. Copying of Lists page 60 The Campaign Conduct Administrative Committee (CCAC)...including requiring disclosure to the CCAC of membership lists that are available to any candidate at the outset of the candidacy or at any point during the campaign."</p> <p><b>International Union Elections Manual:</b> <b>Part VI Section 3(a) page 64-65"</b> ...Distribution on a more selective of different basis" (exclusions of groups and names) "will be considered on a case by case basis consistent with applicable legal requirements. The International Secretary-Treasurer is the Officer authorized to act upon a request for</p>



	distribution and, upon receipt of the required monies, will comply promptly too that request.”
Teller Response:	<p>No where in the letter does it say Michael had the right or approval of the International. John does say in his letter “There is nothing preventing any candidate from <b>requesting</b> to use the tested, tried and true method of regular mailings,” Such a statement is suggesting Michael can put forward a request for such a mail out.</p> <p>The Tellers were never included in this email chain. Michael only shared this email with the tellers on April 20th, 2018 the day after the election.</p> <p>We the Tellers believe this to be a conflict of interest and Michael should have recused himself from this mail out request.</p> <p>There is enough supporting regulations stated above to make Michael’s actions a violation.</p>
Violation: Yes/No	Yes
Election impacting:	Yes
Teller Recommendation:	<p>With reference to John Perquin’s emails and responses, Michael should have recused himself from his role as a Secretary-Treasurer in Isabelle Miller’s request due to the conflict of interest of being a candidate on the same slate as the mail out.</p> <p>Improve Language to the bylaws that better spell out the mail out procedures by a Secretary-Treasurer who is both acting and campaigning as Secretary-Treasurer. Add to the language of the bylaws that request the signature of two Table Officers, of which neither are campaigning on the same slate, when requesting a mail out.</p>

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No:	36,36.1
About member / candidate / process:	Election Results/Process
Complaint:	<ol style="list-style-type: none"><li>1. Why has there not been a public announcement about the election results? I know it is available on the website but the entire membership should have the opportunity to be aware of the results through a variety of forums and formats. Why isn't this happening?</li><li>2. What is being done to address the accusations that were put out by the Forward 1944 team towards other nominees?...</li></ol>
USW Regulations:	
Teller Response:	<p>Response sent to both members:</p> <p>We, the Tellers, would like to respond to your 2 concerns.</p> <ol style="list-style-type: none"><li>1. The Election results were posted on the Union Hotline as well as Social media sites. The Election results are not final until the Tellers have finished their report and have gone over it with the Executive Committee on May 14, 2018 and is voted on and approved.</li><li>2. We are in the process of investigating all complaints and allegations and that may take some time. We will also refer you to page 44 of the Local Union Elections Manual, "<b><u>Reports, Protests and Appeals.</u></b>"</li></ol>
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	

## **Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018**

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### **Complaints**

Complaint No: 37	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018.
Complaint:	The use of Campaign materials in Employer Vehicles, or Employer subsidized vehicles. i.e.: Campaign Mugs, Flyers, Badges, Pins etc...
USW Regulations:	No moneys, facilities or resources of the Local Union and no moneys, facilities or resources of an employer shall be contributed or applied to promote or oppose the candidacy of any person.
Teller Response:	As per above, all such material have to be removed from these vehicles.
Violation: Yes/No	Yes, but only if they were Company or Company subsidized vehicles. Personal vehicles would not be a violation
Election impacting:	Yes
Teller Recommendation:	Before the election, and before any campaigning is done, all Candidates should be presented with, and sign, an agreement of understanding with the USW regarding the rules and local election policies as is outlined in the document.



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 38, 38.1	
About member / candidate/ process:	Miller campaign Mail Out
Complaint:	Some Members, but not all, got the Mail Out.
USW Regulations:	USW Local Union Election Manual page 49;  "Local Unions must Comply with all reasonable requests of any candidate to distribute, by mail or otherwise, <u>at the candidate's own expense</u> , campaign literature in aid of such person's candidacy to all members in good standing."
Teller Response:	I refer to an Email conversation between Secretary-Treasurer Michael Phillips and Assistant to the International Secretary-Treasurer John Perquin on March 28, 2018 to April 02, 2018;  <u>Q</u> : Michael Phillips: "Does the language "all members in good standing," allow a candidate to send a mailing to a portion of the membership or only to all members at once?"  <u>A</u> : John Perquin: "The candidate may request a mailing to the entire membership in good standing or to a targeted or specific subset of the membership. Provided the local has the ability to pull the data for a targeted subset or subsets of the membership, the Local must comply with such a request."
Violation: Yes/No	No
Election impacting:	Yes, Isabelle Miller, Leadership2018, Miller2018
Teller Recommendation:	

## **Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018**

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### **Complaints**

Complaint No:	39/39.1
About member / candidate/ process:	Michael Phillips
Complaint:	Support of Michael Phillips
USW Regulations:	
Teller Response:	<p>As these were letters of support for Michael Phillips and letters of concern about allegations made against him, emails were sent out stating:</p> <p>“All accusations and complaints will be presented and voted on, by the Executive at the May 14, 2018 Executive Meeting when we present our report, which in turn should be posted in the meeting minutes.”</p>
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaint 40

Complaint No:	40	
About member / candidate/ process:	Miller Campaign, Leadership2018, Miller2018	
Complaint:	Info	USW Regulations:
a.	use of the USW logo on campaign material	See complaint #21
b.	the deviation of process that Michael Phillips used when conducting the mail out that he personally benefitted from	See complaint #42(a)
c.	use of a personal computer by the Miller2018 Candidate Steve Durrell during the one member one vote secret ballot  picture of the laptop outside of work was proudly posted on social media and then removed due to the actions of the tellers	See complaint #31
d.	The Leadership 2018 team corrupted the election process by not following the rules or simply pleading ignorance of where materials came from or how to operate during an election. This has polluted the whole process beyond repair.  My ask is to empower the tellers to take action with the flagrant violations of the election manual. There needs to be decisive consequences for violating the election process. Whether it is disqualification to the entire leadership2018/Miller2018 campaign or just the Candidates who directly participated in the violations.	USW Local Union elections Guidelines states: With respect to the Candidates, it is absolutely critical for an open, fair and transparent process that all the Candidates for the same position are treated equally.
Teller Response:	To be determined	
Violation: Yes/No	To be determined	
Election impacting:	Yes	
Teller Recommendation:	To be determined	



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 41	
About member / candidate/ process:	Forward1944
Complaint:	Using Company resources and property to promote a candidate i.e.: The Forward1944 promotional Video
USW Regulations:	<ol style="list-style-type: none"><li>1. "No moneys, facilities or resources of the Local Union and no moneys, facilities or resources of an employer shall be contributed or applied to promote or oppose the Candidacy of any person."</li><li>2. "The supplemental Local Union Election Guidelines state on page 2 "union offices may not be used for campaign activities".</li><li>3. "No campaigning on employer premises under any circumstance".</li><li>4. "Nor on Union or Company time."</li></ol>
Teller Response:	All accusations and complaints will be presented and voted on, by the Executive at the May 14, 2018 Executive Meeting when we present our report.
Violation: Yes/No	Yes
Election impacting:	Yes
Teller Recommendation:	Before the election, and before any campaigning is done, all Candidates should be presented with, and sign, an agreement of understanding with the USW regarding the rules and local election policies as is outlined in the document.

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 42(a)	
About member / candidate/ process:	Michael Phillips Secretary Treasurer and candidate
Complaint:	Michael sent an email to IT Specialist Kate Wood to forward his attached list to Jennifer Hood at Intelivote, but made a final request for Kate Wood to CC him with the password-protected list.
USW Regulations:	<p>The Local Elections Manual, page 49, states that every bona fide candidate shall have the right, once within (3) days prior to the election, to inspect (but not to copy) a list containing the names and last known addresses of all members of the Local Union who are subject to a collective bargaining agreement requiring membership in the Union as a condition of employment.</p> <p>On February 5<sup>th</sup>, 2018, Michael Phillips asked the International if Local 1944 would be allowed to send our membership list to Intelivote Systems Inc. for use in mailing out ballots to our members and verifying our voters who call into the Help Desk. Chris Youngmark replied back that "It will be OK for Local 1944 to send its membership list to Intelivote for the upcoming LU Elections, but not for any other purpose."</p> <p>To quote John Perquin Assistant to International Secretary-Treasurer: "Michael, we are working through the issue as best we can. However, until we are absolutely convinced that the appropriate protocols and Confidentiality Agreements are in place, we will not approve such communications with the members. All Candidates are being treated the same so none can claim either an advantage or disadvantage over another. There is nothing preventing any candidate from requesting to use the tested, tried and true method of regular mailings."</p>
Teller Response:	We the Tellers believe this to be a conflict of interest and Michael should have recused himself from handling the membership list.
Violation: Yes/No	
Election impacting:	Potential exists
Teller Recommendation:	1. Improve the language to the bylaws that better spells out the Campaign mail out procedure and policies.

	<ol style="list-style-type: none"><li>2. Improve language to the bylaws that directs proper procedures in the case of a Secretary-Treasurer who is acting as both a Secretary-Treasurer and campaigning as a candidate.</li><li>3. Add language to the bylaws that requires the signature of two table officers, of which <u>neither</u> are campaigning on the same slate, when requesting a mail out.</li><li>4. We, the Tellers, believe this to be a grievous conflict of interest, as the Secretary-Treasurer should have recused himself immediately upon receiving the request for the mailing.</li></ol>
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## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 42(b)	
About member / candidate/ process:	Michael Phillips as candidate
Complaint:	Michael Phillips as a candidate <b><i>should have recused</i></b> himself as a candidate from handling the membership list on behalf of the Local Union to approve a mail out to promote his candidacy and his team of candidates.
USW Regulations:	<p>John Perquin has stated Secretary-Treasurers have in the past recused themselves of such activity due to the conflict of interest it imposes.</p> <p>The Local Elections Manual, page 49, states that every bona fide candidate shall have the right, once within (3) days prior to the election, to inspect (<b><i>but not to copy</i></b>) a list containing the names and last known addresses of all members of the Local Union who are subject to a collective bargaining agreement requiring membership in the Union as a condition of employment.</p> <p>On February 5<sup>th</sup>, 2018, Michael Phillips asked the International if Local 1944 would be allowed to send our membership list to Intelivote Systems Inc. for use in mailing out ballots to our members and verifying our voters who call into the Help Desk. Chris Youngmark replied back that "It will be OK for Local 1944 to send its membership list to Intelivote for the upcoming LU Elections, but not for any other purpose."</p> <p>To Quote John Perquin Assistant to the International Secretary-Treasurer "Michael, we are working through the issue as best we can. However, until we are absolutely convinced that the appropriate protocols and Confidentiality Agreements are in place, we will not approve such communications with the members. All Candidates are being treated the same so none can claim either an advantage or disadvantage over another. There is nothing preventing any candidate from requesting to use the tested, tried and true method of regular mailings."</p>

Teller Response:	<p>We the Tellers believe this to be a conflict of interest and Michael should have recused himself from this mail out request on behalf of Isabelle Miller.</p> <p>Common sense should have been better exercised by Michael</p> <p>There are enough supporting regulations stated above to make Michaels actions a violation to the election.</p>
Violation: Yes/No	Y
Election impacting:	Y
Teller Recommendation:	<ol style="list-style-type: none"> <li>1. Improve the language to the bylaws that better spells out the Campaign mail out procedure and policies.</li> <li>2. Improve language to the bylaws that directs proper procedures in the case of a Secretary-Treasurer who is acting as both a Secretary-Treasurer and campaigning as a candidate.</li> <li>3. Add language to the bylaws that requires the signature of two table officers, of which <b><u>neither</u></b> are campaigning on the same slate, when requesting a mail out.</li> <li>4. We, the Tellers, believe this to be a grievous conflict of interest, as the Secretary-Treasurer should have recused himself immediately upon receiving the request for the mailing.</li> </ol>

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 42 (c)	SEE COMPLAINT # 38
About member / candidate/ process:	The Miller 2018/Leadership2018 postcard mail out was not sent to the entire membership in good standing.
Complaint:	
USW Regulations:	
Teller Response:	
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	



## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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Complaint No: 42(d)	42(d)
From	Forward 1944
About member / candidate/ process:	Steve Durrell, Miller/Leadership 2018
Complaint:	Steve Durrell, a Miller/Leadership 2018 candidate, set up a voting station and oversaw voting, while a laptop was surrounded by Miller Leadership 2018 slate propaganda.
USW Regulations:	<p>Page 41 - No candidate for office shall be allowed at the polling place at any time except for the purpose of casting a vote.</p> <p>Page 43 -voting areas... it is sufficient that cardboard dividers be arranged on a table (such as empty cardboard boxes taped to the table with the open side facing the voter) in such a manner that no one can see how any member at the table is voting.</p>
Teller Response:	
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 42 (e)	SEE Complaint # 9
About member / candidate/ process:	Local Union photos used on Miller2018.ca/Leadership2018.ca websites and campaign materials
Complaint:	
USW Regulations:	
Teller Response:	
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

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### Complaints

Complaint No: 42 (f)	SEE COMPLAINT #2
About member / candidate/ process:	The Executive of Unit 213 emailed an endorsement of Isabelle Miller for President to their Unit's email list.
Complaint:	
USW Regulations:	
Teller Response:	
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	



**Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018**

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**Complaints**

Complaint No: 42(g)	SEE COMPLAINT #21
About member / candidate/ process:	The Miller 2018/Leardership 2018 slate
Complaint:	USW logo on Coffee mug
USW Regulations:	
Teller Response:	
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	

## Teller Report on USW 1944 Election on April 19<sup>th</sup> 2018

### Complaints

Complaint No: 42(h)	SEE COMPLAINT #21
About member / candidate/ process:	The Miller 2018/Leardership 2018 slate
Complaint:	USW logo on T-Shirts
USW Regulations:	
Teller Response:	
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	

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### Complaints

Complaint No: 42(i)	SEE COMPLAINT #26
About member / candidate/ process:	Anita Arab
Complaint:	TELUS management interfering and trying to influence members to vote for Donna Hokiroy
USW Regulations:	
Teller Response:	
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	



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### Complaints

Complaint No: 43	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	<p>Misleading voters, Disclaimer.</p> <p>The Disclaimer reads:</p> <p><i>"In accordance with the USW Local Union Election Manual, the preceding message was sent by USW Local 1944 on behalf of candidate Isabelle Miller, at the candidate's request and expense.</i></p> <p><i>This message in no way represents an endorsement by the Local."</i></p>
USW Regulations:	
Teller Response:	All accusations and complaints will be presented and voted on, by the Executive at the May 14, 2018 Executive Meeting when we present our report, which in turn should be posted in the meeting minutes.
Violation: Yes/No	Yes
Election impacting:	Yes
Teller Recommendation:	All campaign materials and literature should be very clearly and precisely worded and phrased. There can be no possibility of mistaking intent. We feel that the highlighted section should have been removed as it could be interpreted that it came from the Local.

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### Complaints

Complaint No: 44	
About member / candidate/ process:	Steve McWhirter
Complaint:	Using fully subsidized work iphone Campaign use of Local resources.
USW Regulations:	Page 51 Local Union Elections Manual "Other Important Requirements: Local Union members, officers and employees may not use cell phones provided and fully paid for with Union funds to engage in campaign activities.
Teller Response:	Steve's response: "In addition to my work phone, 264-213-1414, I have a personal iPhone that I have the Tango app with a phone number of 264-213-1414. Local phone does not have a pin and is used only for work."
Violation: Yes/No	N
Election impacting:	N
Teller Recommendation:	N/A

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### Complaints

Complaint No: 45	
About member / candidate / process:	Tellers
Complaint:	Alberto Loro received a re-acclimation for Unit Counsellor yet he only accepted a nomination for Unit Trustee.
USW Regulations:	
Teller Response:	An apology letter was mailed to Alberto May3rd, 2018 ex
Violation: Yes/No	N
Election impacting:	N
Teller Recommendation:	



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### Complaints

Complaint No: 46	
About member / candidate/ process:	Louise Hartnagel
Complaint:	Disqualify acclaimed Unit 18 Chair and Counsellor as now employed under the jurisdiction of Unit 26
USW Regulations:	
Teller Response:	Sent disqualification letter to Louise asking for any documentation that would support her acclaimed status for Unit 18.
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	

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### Complaints

Complaint No: 47	
About member / candidate/ process:	Miller Campaign mail out
Complaint:	(a) Mislead by mail out. Sent from the local on behalf of a candidate.  (b) Why did we not receive mail outs from all candidates
USW Regulations:	To quote John Perquin, Assistant to the International Secretary-Treasurer: "All Candidates are being treated the same so none can claim either an advantage or disadvantage over another...."
Teller Response:	No well defined language was in place in the election guidelines at the time of this election and therefore no mail outs should have happened without a proper request to the Tellers and/or International.
Violation: Yes/No	Yes
Election impacting:	Yes
Teller Recommendation:	Improve language to the bylaws that better spell out the mail out procedures by a Secretary-Treasurer who is both acting Secretary-Treasurer and campaigning as Secretary-Treasurer.  Add language to the bylaws that request the signature of two Table Officers, of which neither are campaigning on the same slate, when requesting a mail out.

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### Complaints

Complaint No:	48
From:	Forward1994
About member / candidate / process:	Stand at Noon
Complaint:	<p><b>Additional protest regarding Stand At Noon Facebook group</b></p> <p><b>Date</b> 07.05.2018 22:33</p> <p>Tellers,</p> <p>This serves as an additional protest from the FORWARD1944 team.</p> <p>We believe the integrity of the election was contaminated and there was inappropriate interference through a Facebook group called "Stand at Noon". The "Stand at Noon" Facebook group had nearly 1000 members at the commencement of the campaign and now has 857 members as of May 7, 2018. It was used by all slates including our team, the Miller slate, Ross Brown, and other independent candidates.</p> <p>Thank you.</p> <p>Team FORWARD1944</p>
USW Regulations:	
Teller Response:	<p>These allegations are in regard to a non union facebook page, and all posts on it are public opinion. All candidates and slates have used this public page and have posted comments on it.</p> <p>We, the Tellers, feel that it is not within our purview to comment on election integrity or interference, as the facebook page in question is considered public domain, and not affiliated in any way with the USW.</p>
Violation: Yes/No	No
Election impacting:	Possibly
Teller Recommendation:	All complaints and protests will be heard and voted on by the Executive, at the meeting on May 14 <sup>th</sup> 2018.



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### Complaints

Complaint No: 49	
About member / candidate/ process:	Request for Voice Broadcast.
Complaint:	April 10 <sup>th</sup> Lee Riggs Forward 1944 - Requested for feedback on using Local 1944 membership list for Voice Broadcast Message.
USW Regulations:	Perquin, John April 16, 2018 11:56 AM  After consulting with the USW Legal Department in Canada, the USW Information Systems and New Media Departments in both Canada and the U.S., as well as with 3rd party vendors, we unfortunately are not able to grant your requests to access the Local 1944 membership data for the use of voice broadcast messaging, text messaging and or email messaging for campaigning in the upcoming Local Union election. Concerns have been raised about the ability to implement protocols that will ensure strict adherence to the USW policies on privacy and use of membership data as well as avoiding potential issues with Canadian law. We will continue to explore options, but until we are certain that the protections necessary are in place to ensure our members contact information and privacy is protected and respected, requests for similar access and use will be denied for all candidates.
Teller Response:	Forward1994 waited for the response from John Perquin and did not sent out a Voice Broadcast.  Proper procedure was followed by Forward 1944.
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	

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### Complaint 50

Complaint No:	50
About member / candidate/ process:	Change of Tellers
Complaint:	I came to learn on April 13th that there had actually only been 2 Tellers performing any duties related to this matter, and not 3 as per the Elections Manual
USW Regulations:	<p>From the draft minutes of the February 23, 2018 Special National Executive Council Special meeting: Appointment of Tellers for the 2018 Local Union Elections</p> <p>BE IT RESOLVED that Stephanie Kestle (Unit 60), Craig Thomson (Unit 31), and Shelley Reeder (Unit 51), be appointed as Local Union Election Tellers for the USW Local 1944 Local Union Executive Board and Unit Official elections taking place in April 2018; and</p> <p>BE IT FURTHER RESOLVED that if a Local Union Election Teller vacancy shall occur prior to the April 2018 elections that the National President shall appoint a new Local Election Teller subject to the approval of the Table Officers.</p> <p>Adam Dropkin replaced Craig Thompson</p>
Teller Response:	As per Brett Barden, and Michael Phillips: "A quorum of 2 out of 3 Tellers is required to perform the duties of the Tellers, or respond to complaints on behalf of "the Tellers."
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	

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### Complaints

Complaint No:	51
About member / candidate / process:	Helpline not giving PIN number to a member
Complaint:	<p>A few members of AJ status (Active Judicial Review) membership list, was pulled for Intelivote however, the following names missed the list:</p> <p>John Adrianopoulos Amana Merrick Kimberly Anania</p>
USW Regulations:	<ol style="list-style-type: none"> <li>1. Active Judicial Review status members are qualified to vote.</li> <li>2. RAND status members are not qualified to vote and therefore are not issued a PIN</li> </ol>
Teller Response:	<p>Confirming with Jennifer Hood-Simms</p> <p>John Adrianopoulos got his PIN and voted.</p> <p>Kimberly Anania appears that her email with her PIN bounced back.</p> <p>Amanda Merrick is in RAND status and therefore was not issued a pin.</p>
Violation: Yes/No	No
Election impacting:	Yes
Teller Recommendation:	Local Union election manuals should clearly define the different member statuses, "Eligible" "Not Eligible" to vote.



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## RECOMMENDATIONS OF THE TELLERS

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1. Before the election, and before any campaigning is done, all candidates should be required to **sign** an agreement of understanding with the USW regarding the USW local and or International Election Guidelines Policies (letter to be designed later).
2. Add language that all candidates should/need to have all pertinent election information and policies before the nomination process even begins.
3. Improve language to the bylaws that better spells out the campaign mail out procedure and policies.
4. Improve language in the LUEM that directs proper procedures in the case of a Secretary-Treasurer who is acting as both a Secretary-Treasurer and campaigning as a candidate.
5. Add language that requires the signature of two table officers, of which **neither** are campaigning on the same slate, when requesting a mail out. (See Bylaw amendment below)
6. Add language for Donations.
7. Add language that all questionable requests not covered in the LUEM to be sent to the Tellers for clarification.
8. Add language that all requests to access the local 1944 membership lists for the use of voice broadcast messaging, text messaging, and or email messaging for campaign purposes, **will be denied for all candidates**.
9. Update language regarding the USW Election Regulations and Guidelines to include proper instruction on the use of all Local Union media sites. i.e.: what can and cannot be posted.
10. Add language to LUEM to better define the different member statuses that are **eligible and not eligible** to vote.
11. Send out a voter's election guideline to the individual unit executives to be distributed to the membership - after the nomination process and well before the election. This will remove quite a few of the concerns that have been expressed during this election. "Information is power. It empowers the membership to make better informed decisions."
12. All campaign materials, swag and mail outs are to be inspected and signed off by the USW **before** being sent to the membership.
13. If a campaign mail out is sent to the membership – it has to include information on **ALL** the candidates/slates platforms – and all candidates share expenses.
14. Tellers work the same hours and emails and decision happen during those same hours.

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## ADDITIONS TO THE LOCAL UNION BYLAWS

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### **Two table officer requirement**

- a) Add language with regards to requesting a candidate mail out that requires the signatures of two (2) table officers.
- b) If the Secretary-Treasurer is on the same slate as the requesting candidate, then that Secretary-Treasurer cannot be one of the signatories.

### **Meeting attendance requirements**

ensure that all Executives begin a proper record keeping of meeting attendance.