

UNITED STEELWORKERS

USW 1944 ELECTION PROTESTS

THE REPORT OF THE ADMINISTRATORS

NOVEMBER 13, 2018

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1. BACKGROUND

On June 11th, 2018, the Officers of USW Local 1944 wrote to International President Gerard to request that Local 1944 be placed under emergency administration in accordance with article 9, section 3 of the USW Constitution. The letter followed the passage of a resolution to request the administration that was unanimously supported by the Executive of Local 1944

On June the 12th, 2018, the Canadian Directors of the USW, together with President Gerard, sent a letter to the membership of Local 1944 to announce and explain the difficult decision to place the local into administration. That letter stated, in part, as follows:

“as you are likely aware, there have been many protests and counter protests filed concerning the April 19th, 2018 election of officers of TWU-USW Local 1944. Over 70 formal election-related protests have been submitted, in addition to many complaints from members wanting resolution.

The formal protests originate from those involved in the election. All sides have concerns about the election and are frustrated with the amount of time it will unavoidably take to work through the disagreements. That is why both sides....have requested placing the local under temporary emergency administration”.

As will be set out in more detail below, the Local Union election of Officers at Local 1944, which took place in April 2018, gave rise to over 100 protests, all of which were reviewed by the Local Union Tellers. The Tellers produced a report. That report was placed before the Local Union Executive. However, the Local Union Executive was unable to deal with the election issues and the Tellers’ report in a timely way. The Executive failed to either reject or adopt the recommendation of the Tellers. As a result, on June 22, 2018, Ron Wyatt was appointed as the Administrator over the affairs of Local 1944, with Mark Rowlinson and Scott McRitchie appointed to assist Ron as necessary.

On July 17th, the USW held a Commission hearing to review the Administration, and Commissioner Carol Landry found that the placing of LU 1944 into Administration was proper and in accordance with the USW Constitution.

In addition to the numerous protests filed in connection with the election, numerous charges were also filed against members of Local 1944 under the USW Constitution. On September 17th, 2018, President Gerard appointed a Commission consisting of Peggy McComb and Jim Stewart to investigate and determine the constitutional charges filed at Local 1944. The Commissioners held Hearings on October 10 and 11 to hear the charges.

The Administrators have been tasked with investigating and making recommendations with respect to the election protests and the outcome of the elections of Local Union Officers. Since our appointment, the undersigned have worked hard to review and investigate the protests and allegations surrounding the election, and this report constitutes our findings.

We wish to emphasize that as Administrators, we are of the view that this Local cannot move forward and re-establish itself as an autonomous and effective Local Union until the election issue is resolved. We would also observe that although it was the Local's inability to deal with the election issue that was the initial reason for the Administration, there are also many other issues that will need to be addressed by the Administrators and the new Executive before the Local can be taken out of Administration. These issues include getting the Local on to a strong financial footing, addressing legal expenditures and representation, grievance handling, reviewing Local's structures and staffing issues, among others. But the first step must be a resolution of the outstanding election disputes.

2. SUMMARY OF THE REPORT OF THE ELECTION TELLERS

As noted above, USW 1944 conducted an election of Local Union Officers, Trustees and Unit Representative on April 19th, 2018. The ballot was conducted by a remote electronic voting system provided by Intelivote. The tabulated results of the election are attached in **Appendix A**.

As per the USW Constitution and the USW Local Union Elections Manual, an Election Tellers Committee of Three (3) elected officials was constituted and oversaw all election matters.

The Tellers were required to address 107 Protests. The Protests filed during the Local Union Election are related to:

- The improper use of the USW LOGO;
- improper endorsements;
- improper use of social media and photos;
- funding; emails and texts;
- mail out and improper access to the membership list;
- improper inducements;
- use of company or union resources;
- harassment;
- The general nature of the election and the unit elections.

Formal Charges under the Constitution were also filed by two sets of parties with the International Union. As noted earlier, these charges will be addressed by a Commission set up to hear these charges.

The Tellers produced a lengthy and detailed report with recommendations. Those recommendations have been considered as part of this report. The Tellers recommended that the election be declared null and void and they recommended the election be rerun. The Protest Reports by the Tellers form part of this report in **Appendix A**.

The Tellers completed their Election Report and Recommendations and began the process of having the Report adopted by the Local Union. The Executive Board of Local Union USW 1944 began the process of hearing each protest and recommendation to uphold or reject the protest. This process was partially completed, but it quickly became apparent that the Executive was unable to come to a prompt decision on all of the election protests.

As a result, on June 6th, 2018 the motion to enter into “emergency administration” was unanimously adopted. USW 1944 was placed under Administration on June 22nd, and the process of adopting the Election Report was halted.

As a function of the Administration, the Election Results, Protest and Charges are being considered as per the Constitution of the USW.

The Administrators, on June 27th, 2018, after a review of the results of the “**Unit Representative Elections**” and all protests relating to the Unit Representative elections, certified the results of these elections and dismissed all protests with the exception of #12b which is discussed later in this report (see **Appendix A** - Table of Protests note #12b).

3. THE TELLERS’ FINAL RECOMMENDATIONS

In their report, the Local Union Tellers made final recommendations both with respect to the USW Local Union Election Manual and with respect to the particular election at Local 1944.

With respect to the election at Local 1944, the Tellers report states as follows:

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.

We the Tellers are compelled to speak to the lack of integrity, honesty, and the hypocrisy where candidates ignored, circumvented and/or denied responsibility for the rules and guidelines of the USW and local 1994 while accusing others of the same.

The Local 1944 April 19th Election included the following:

- *Election did not take place on an even playing field: one candidate was able to send out an email, after which all voice,*

