

UNITED STEELWORKERS

USW 1944 ELECTION PROTESTS

THE REPORT OF THE ADMINISTRATORS

NOVEMBER 13, 2018

USW1944 ELECTION PROTESTS

REPORT OF THE ADMINISTRATORS

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,*

text and email messaging was blocked for the other two candidates due to privacy concerns

- *A mail out that raised serious privacy and process concerns*
- *Endorsements were made improperly and sent out to unit 213 by email*
- *Multiple violations on social media, including but not limited to: #hashtags, photo placement and use of photos*
- *An illegal polling station*
- *Advertising for a candidate occurred at a polling station*
- *Campaign material distributed at a union office during a union meeting*
- *Use of the USW logo on campaign materials*

Therefore: We the Tellers declare the Local 1944 April 19th, 2018 election to be null and void.

We recommend that the election be redone after all the recommendations (additions and updates to LUEM) are first put in place.

4. ELECTION PROTESTS REVIEWED BY THE ADMINISTRATORS

The Administrators, under the authority of the Constitution of the USW, are tasked with making determinations regarding the election protests and any associated consequences.

The Administrators conducted interviews of the Election Tellers, USW Staff and Officers, current USW 1944 Officers, and affected individual members and staff of USW 1944. The Administrators have received and reviewed all documents associated with all protests and have applied the USW Constitution, USW Local Union Elections Manual, as well as USW 1944 Bylaws and Policies in coming to our determinations.

The Election Tellers Report is detailed, extensive and extremely comprehensive. The painstaking work that has been conducted by the Tellers is to be commended.

As Administrators we have reviewed all recommendations and decisions adopted at the Local 1944 Executive meetings, and we have turned our minds to all outstanding protests. We have included some general comments and specific decisions relating to various protests. Attached in **Appendix "A"** is a Summary Table of Protest and Corresponding Administrators' Determination.

Three major issues are raised numerous times in the protests:

- a. Membership List and the mail out by one campaign;
- b. The use of the USW LOGO;

- c. The campaign and election process at Unit 213.

The Administrators will consider each of these issues in turn. We will also comment on the activities on the use social media and endorsements.

A. Use of the Membership List and the Mail Out by One Campaign

First, the “Use of the Membership List” by one candidate has been reviewed. Much has been made of the fact that Leadership 2018 slate arranged for a direct mailing to the Local Union membership.

There are forty six (46) protests filed with various complaints about the mail out:

- #23, #23.1, #23.2, #23.3, #23.4, #23.5, #23.6, #23.7, #23.8, #23.9, #23.10, #23.11, #23.12, #23.13, #23.14, #23.15, #23.16 #23.17, #23.18, #23.19, #23.20, #23.21, #23.24
Improper access to the membership list (the list was stolen) for the mail out and violation of the privacy of members,
- #25a COPE bargaining unit employees should have performed the mail out,
- #25b, #25c, #25d, #25e, #25f, #25g, #25h, #25i, #25j, #25k, #25l, #25m, #25.1a, #25.1b, #25.1c, #25.1d, various complaints regarding authorization, access and use of membership list,
- #35 a protest against the protests,
- #38 select people were left off the mail out,
- #40 (b) this was a deviation of the process,
- #42 (b) the mail out left members to believe that the mail out was sent solely on behalf of the Local,
- #42 (c) the mail out didn't go to all members of the Local Union,
- #47 (a) the disclaimer was misleading, and
- #47 (b) not all members received the mail out.

The USW Local Union Elections Manual addresses this specific issue at page 49:

“ 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.

Local Unions must not discriminate in favor of or against any candidate with respect to the use of the 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 any campaign literature on behalf of any candidate or of the Local Union itself will assure compliance with this requirement of the Act.

Every bona fide candidate shall have the right, once within thirty (30) days prior to the election, to inspect (but not copy) a list containing the names of

all members of the Local Union who are subject to a collective agreement requiring membership in the Union as a condition of employment. This list shall be maintained and kept at the principle office of the Local Union by the financial Secretary.”

Candidate Isabelle Miller contacted Secretary/Treasurer, Michael Phillips with respect to a direct mailing to the members at the expense of her campaign. The Local Union had, with the approval of the International Union, contracted with the firm Intelivote to run the Local Union electronic balloting. Intelivote uses a firm by the name of Gilmore Doculink to facilitate its paper mailings.

As the Secretary/Treasurer, Phillips has control of the Local’s membership list. To comply with Miller’s request, he contacted Gilmore Doculink to arrange for a direct mailing to the membership at Miller’s expense.

The campaign literature contained the following disclaimer, “In accordance with the USW Local Union Elections Manual, the preceding message was sent by Local 1944 on behalf of candidate Isabelle Miller, at the candidates request and expense. This message in no way represents an endorsement by the Local.” The USW LOGO is not present on the material.

The “rub” is that Phillips was a running mate of Miller on the Leadership 2018 slate. He did not inform any other Table Officers or Executive Members that he had made these arrangements. The Forward1944 slate, and others, allege that because of this fact, Phillips and Miller and the entire Leadership 2018 Team acted improperly and accessed the list improperly.

The key allegation made by the Forward 1944 slate is that the membership list was stolen. They also allege that not every member received the Leadership 2018 slate mail out, and that the Local’s support staff should have performed the mail out.

Phillips insists that he was acting in his capacity as Secretary/Treasurer and was fulfilling that role (in this local the Secretary/Treasurer acts as Financial Secretary). He was aware that he should strive to be impartial while fulfilling his role as Secretary/Treasurer. He believed that it would be improper to disclose a request from any candidate to distribute a mail out. He was relying on instructions he had received from John Perquin (Assistant to the International Secretary-Treasurer).

The following is the string of emails between Phillips and Perquin:

*From: Perquin, John <jperquin@usw.org>
Sent: April 2, 2018 5:26 AM
To: Michael Phillips <michael.phillips@usw1944.ca>
Cc: Youngmark, Chris <cyoungmark@usw.org>
Subject: RE: Campaign mail out procedure - LU 1944
Word – Confidentiality Agreement Template – Canada.doc (29kb)*

*Michael, I have responded to your questions below, **in red**.*

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

Sent: Wednesday, March 28, 2018 6:27 PM
To: Perquin, John
Subject: Campaign mail out procedure

Hi John,

Can you please detail for me what needs to be done in order for a candidate in our Local Union election to have a campaign mailing sent to part of our membership using the official membership list? I'm looking at the USW Local Union Elections Manual (2015) language at page 49:

"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. Local Unions must not discriminate in favor of or against any candidate with respect to the use of lists of members."

A candidate has requested that a mail out be sent on their behalf in accord with this language.

I feel like there are many potential pitfalls here so I'd like the following questions answered:

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? 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.

Must Local staff send out this mail out (as they are already occupied with their regular work) or can I direct the candidate to a 3rd party mailing company and provide the membership list to this company upon their request, under a strict confidentiality agreement? The Local can do it either way and has the right to make the decision. We strongly suggest that Locals use a 3rd party vendor. The bottom line is that the Candidate must pay the full cost, irrespective of which method the Local uses to comply with the request.

What if the candidate insists that staff are able to perform this mailing on top of their regular work, who makes the determination whether staff or a 3rd party company should conduct the mailing? The Candidate does not get to make the decision. However, the Local can't do it one way for one Candidate and another way for another Candidate.

Are there parameters for the kind of material that can be sent out? For instance, must a disclaimer of some type be part of the mailing? The Local should not pre-screen the material. Candidates must follow the rules when putting together their campaign material.

Can any 3rd party mailing company be used or must the International approve the company being used? The Local may choose the vendor but shall only use a vendor that agrees to comply with the USW policy on membership information and confidentiality agreement.

Does the International have guidelines as to the nature of the confidentiality agreement to be signed with the mailing company as a condition of the release of our membership list (or a template agreement)? I have attached a copy of the template used by the International.

Must any Local Officers/candidates be informed that I am sending our list to a 3rd party mailing company or is that considered to be an unfair advantage? There is no requirement to notify other Candidates of a request by one Candidate for a mailing. As for notifying other Local Officers, that is dependent upon the Local's normal procedures for releasing membership data to an external entity. When the International releases its data, it is always on a one-time basis with a requirement that following completion of the mailing, the data is immediately purged from the vendor's files and systems. We do not release membership data for an extended multiple use scenario.

Please provide any other information required so that the kind of mail out permitted under page 49 of the Manual can be sent out in a manner that is appropriate and compliant with our regulations.

Text of the Confidentiality Agreement Template Attachment to this email is as follows:

Today's Date

Company

Re: Confidentiality of USW Membership Information

Dear _____:

As a result of discussions between representatives of Company and representatives of the United Steelworkers ("USW"), I am writing to confirm our understandings regarding the confidentiality of the membership information that the USW will be providing to Company as part of the direct-mail effort agreed to between the USW.

Company is receiving USW membership information and data ("Information") subject to Company agreement, evidenced by your confirmation in the space provided below, that the Information is confidential and proprietary information of the USW, and that the USW would not be willing to provide the Information to Company without the agreement of Company to strictly maintain the confidentiality of the Information.

Company agrees that it shall not disclose or communicate the Information to any third party, (or any related entity) and shall take all steps necessary to reasonably protect the Information from such disclosure. Company agrees that such reasonable protection shall entail not less than the same degree of care with which Company prevents the unauthorized use, dissemination or publication of its own most valuable confidential and proprietary information. Company shall use the Information only for the strictly limited purposes necessary to complete the mailing which it has agreed with the USW to undertake, and Company agrees that it shall not duplicate the Information. Company acknowledges and agrees that following the completion of its mailing the Information released to Company by the USW will be destroyed, such destruction including but not limited to purging such Information from all computer and other intangible media.

Company agrees that any breach of the foregoing conditions will give rise to irreparable injury to the USW that cannot be compensated adequately in money damages and consequently, the USW is entitled, in addition to all other remedies available, to injunctive and other equitable relief in any court of competent jurisdiction in Canada or any province thereof. Company agrees to waive any requirement for the securing or posting of any bond in connection with such remedy. In the event that any provision of this agreement is held to be invalid or unenforceable by any court of law or otherwise, the remaining provisions of this agreement shall nevertheless continue to be valid and enforceable, as though the invalid or unenforceable parts had not been included in this agreement.

*This agreement may not be modified or amended unless agreed to in writing and signed by all parties.
If the foregoing is agreeable to Company please so indicate by confirming with your signature below, and returning an executed copy of this letter.
Very truly yours,*

Following receipt of the Confidentiality Agreement, Phillips had Gilmore Doculink, the firm that did the mailing, sign the agreement.

It is important to note that in their report, the Local Union Tellers found no violation of the Local Union Election Manual with respect to the process followed by Phillips regarding the list and the mailing. However, the Tellers' recommendation was rejected by the Local Union Executive Board.

After carefully reviewing and considering all the evidence and facts provided to us by the Tellers Committee and others regarding the various protests filed over the mail out by Leadership 2018, we can find no violation of the Local Union Elections Manual.

Phillips meticulously reviewed the Local Union Election Manual with respect to a candidate's request for a mail out. He carefully clarified the Local's responsibilities with John Perquin and followed that advice. He did not deviate from the process set out by the International Union. There is no evidence that the membership list was accessed improperly nor was there any violation of any member's privacy and, to be abundantly clear, the membership list was not stolen.

There is no requirement in the Election Manual to have the COPE bargaining unit employees perform the work of a mail out.

The Forward 1944 Slate also alleges that the mail out was a violation of Local 1944 policies and procedures which require that at least two Officers approve a mail out on behalf of the Local to the membership. As it happened in this case, two Officers (Miller and Phillips) were running against the other two Officers (Riggs and Carassco). The Forward 1944 slate states that Phillips should have asked Riggs or Carassco to approve the mail out. The circumstances of this election make the Local Union's rules problematic. It appears that the Forward 1944 slate takes the position that one slate has to approve the mail out of the other slate.

In our view this is precisely why the Union has detailed election rules regarding mail outs. In this case, those rules were followed. In any event, we are also of the view that the mailing in this case was not a mail out on behalf of the Local Union – it was clearly a mail out on behalf of one campaign - and it stated as much on the mail out.

Nine thousand two hundred and four and four (9,204) post cards were mailed out by Leadership 2018. The mailing included all members, excluding "rand formula employees" (who are ineligible to vote) and the candidates and some ardent supporters of the opposing slates.

While we believe that the disclaimer on the mail out is clumsily written, we think that anyone reading this should have known or reasonably ought to have known that the Local was not endorsing the Miller Team.

Therefore, all the protests regarding the use of the membership list and the mail out are dismissed.

B. The Use of the USW LOGO

Next, we reviewed six (6) protests alleging improper use of the USW LOGO:

- #6 the use of #1944 in a post;
- #17 the use of the USW LOGO on a web site promoting candidate Ross Brown;
- #20 Allegation that a member posted a candidate endorsement on a Unit Facebook page;
- #21 and #40a-use of the LOGO on the coffee mugs and t-shirts distributed by the Leadership 2018 team;
- #42 the LOGO on the coffee mugs distributed by the Leadership team; and
- #42 (h) the LOGO on the t-shirts distributed by the Leadership 2018 team.

The Local Union Election Manual addresses this issue starting at the bottom of page 49:

"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.

THE USW LOGO IS THE PROPERTY OF THE UNION AND IS NOT TO BE INCORPORATED IN ANY CAMPAIGN MATERIAL OR MEDIA

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 holding an election.

The prohibition includes, but 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 and not simply to those Local Union publications which are affiliated with the United Steelworkers Press Association.

Local Unions are prohibited from directly or indirectly linking their website (s) and/or social media, blogs, tests, emails as well as other digital communications tools."

Protest #6 – Candidate Betty Carrasco used the #USW 1944 in her Forward1944 post. Betty was asked to remove the #USW 1944 hash tag from her post and she did. We are not of the opinion that this was a violation of the Local Union Elections Manual because “#USW 1944” is not the Union’s LOGO. We are dismissing this protest.

Protest #17 - Alleged use of the USW LOGO on Ross Brown’s Web Page. When the Tellers Committee attempted to investigate this complaint, the site had been taken down. It is impossible to determine if this did indeed occur. However, clearly if the web page had incorporated the USW LOGO, it was for a very short period of time. Hence, we believe it had no impact on the final outcome of the election. This protest is dismissed.

Protests # 21, #40(a), #42(g) and # 42(h) – Allegations that the USW LOGO was affixed to coffee mugs and t-shirts distributed by the members of Leadership 2018. On both the mugs and the t-shirts below the art work off to the right is a small USW LOGO. The font used in the LOGO is approximately one quarter (1/4) of the size of the rest of the font used on the mugs and approximately one eighth (1/8)of the size of the font used on the t-shirt.

The explanation for this from Leadership 2018 team is that it was a union bug applied by the firm used to produce the artwork on these products. We contacted this firm, Gordon Baker Promotions, and spoke to the president of the company. The company is located in Bowmanville, Ontario. They contracted this work to Imprint Art located in North York, Ontario. Imprint Art is a unionized company with USW Local 1-500, a Local Union in District 6. It is a normal and regular business practice for the company to affix the “USW union bug” to all jobs.

We have concluded that this was intended to be a union bug. It was not intended to be applied as the USW logo. While technically using the Union’s LOGO is a violation, we do not believe that in this instance, its use affected the final outcome of the election. These protests are dismissed.

C. The Campaign and Election Process at Unit 213: Protests #2, #7, #22, #42f, #31.1 and #40c

David Skrober was the Unit Chair of Unit 213. He was a candidate for Regional Executive Officer for Alberta on the Miller Slate.

A Unit 213 Executive meeting took place on March 7th. Skrober chaired the meeting and reported that the “Unit Executive has voted nearly unanimously to support the Leadership 2018 slate” (Miller slate). An email was sent out informing approximately 500 Unit 213 recipients of this endorsement.

Skrober notes that, at that time, the Election Manual had not been distributed and it was not sent out until mid-March. So Skrober asserts he had no idea that the Executive’s

endorsement or the email might have been a violation of the election rules. Skrober notes that in past elections, the Unit 213 executive had freely communicated their position on any issue to Unit 213 members.

USW election rules however, are clear that 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. Furthermore, the Union's assets or resources cannot be used to convey that decision.

Skrober notes that the Tellers never contacted him about the March Executive meeting and there is no evidence to indicate that they did.

Nevertheless it is clear that the March 7th endorsement and the email did violate the Union's election rules.

Skrober also chaired a Unit meeting on April 11th, at the Calgary union office, where candidates Isabelle Miller and Ross Brown addressed the membership by calling in on a phone line. Lee Riggs was invited to address the Unit meeting, but declined the invitation. At the conclusion of the meeting, the Unit members present passed a resolution calling on the Unit Executive to endorse Isabelle Miller and the Leadership 2018 slate. This is a violation of the election rules.

An allegation has also been made that campaign literature was circulated on the floor of the meeting by the Miller campaign. Skrober asserts that he is not aware of any literature being circulated on the floor of the meeting and no copies of any such campaign literature were presented to us to substantiate the allegation.

However, from our review of this matter, it does appear that at least two of the campaigns had representatives at the meeting and literature from both of those campaigns found its way to the meeting. There is no evidence that literature was actually distributed at the meeting. We are also not aware of any evidence that a further email was sent out after the April meeting confirming the endorsement.

A complaint was made to the Local Union Tellers regarding this meeting. It is a violation of USW rules for campaign literature to be circulated on the floor of the meeting and for Union resources to be used to circulate the endorsement. The Tellers advised Skrober of the potential violation.

Finally, complaint #31.1 and #40c allege that in Calgary a voting station was set up in the parking lot outside a Telus building, and members could come and vote on line, and a "limited number of mugs" were available from the Miller campaign and her slate. Upon receipt of this complaint, the Tellers requested that the voting station be removed immediately. It appears the station was removed as soon as the Tellers request was received. Nonetheless, it does appear that election rules were breached with this voting station.

After a review of all of the allegations made regarding the process at Unit 213, the Administrators conclude as follows:

- The endorsement and the email which followed the March 7th meeting were clearly a violation of the election manual.
- By the time the April 11th meeting occurred, the three candidates for LU President were offered an opportunity to address the Unit, and there is no evidence that campaign literature was distributed at the meeting.
- While there is no evidence that an email was sent out to the members of Unit 213 advising them of the motion calling on the Unit Executive to endorse Isabelle Miller and the Leadership 2018 team, it is clear that there were members in attendance at the April 11 meeting who left the meeting with the impression that Isabelle Miller and the Leadership 2018 team was being endorsed. There was no evidence submitted to us to demonstrate that those members were advised that the motion was improper, out of order as well as a violation of the election rules and that they were to consider the motion rescinded.
- With respect to the voting station, while it was a violation of the election rules to set up such a voting station, it appears that it was removed promptly after a request was received by the Tellers and it has been asserted that no votes were actually cast using that laptop.

We do not believe that the identified violations that did occur changed the final outcome of the election for any position other than the Regional Executive Officer Alberta positions. A total of 90 votes were cast by members of Unit 213. The difference in the votes received by the candidates for the Regional Executive Officer Alberta positions was less than this. It is our belief that it is very possible enough members of Unit 213 were influenced by both the March 7 email message and the motion passed at the April 11 meeting, that it may have impacted the outcome of the election for the Regional Executive Officer Alberta positions. In order to assure that the integrity of the election process is upheld and the true wishes of the membership in Alberta are determined, we recommend that the election for the Regional Executive Officer Alberta positions be rerun as soon as is practicable.

Finally, a number of other protests required further review, including personal endorsements and activity on social media. Although we are concerned by the activities of the membership regarding endorsements and the extensive use of social media, we believe that any impact those activities may have had was of no significant consequence on the final outcome of the election. Efforts were taken during the campaign to remedy any known violations, and to have known improper activities cease.

FINAL REPORT OF THE ADMINISTRATORS

As we noted at the outset, the Executive of Local 1944 requested that the Local be placed into Administration because they were unable to deal conclusively with the Tellers Report into the election protests that were filed during the election at Local 1944. As a result the undersigned Administrators were given the task of reviewing the election protests, the Tellers Report and all of the available facts and allegations.

The challenge when making a determination regarding the validity of a Local Union Election is that one has to consider the effects of any improper election activity or violation of the USW Constitution, Local Union Election Manual and By-Laws while at the same time respecting the will of the voting membership. In the end, there are several possible outcomes to this review:

- Determine the election, or some part of it, has been tainted and (a) order a new election, or (b) order a new nomination period and new election; or
- Determine the election has not been tainted in a consequential manner and uphold the election results

After reviewing all of the protests, the Tellers Report and the supporting material in this matter, and applying the provisions of the USW Constitution, the USW Local Union Elections Manual and By-Laws as well as the Local's policies and procedures, it is our opinion that other than for the election of the Regional Executive Officer Alberta positions, the election held April 19th, 2018 was not tainted sufficiently to affect the outcome. As a result we recommend that the election results for all positions other than the Regional Executive Officer Alberta positions should be upheld and certified and the following be declared elected.

President	Isabelle Miller
Vice-President (British Columbia)	Betty Carrasco
Vice-President (Alberta East)	Donna Hokiro
Secretary-Treasurer	Michael Phillips
Regional Executive Officer (British Columbia)	Denise Chisholm Jayson Little
Regional Executive Officer (Ontario)	Brooke Downey
Regional Executive Officer (Quebec)	Pierre-Luc Dick
Trustees	Michelle Ravary Kim Woodroffe Jordan Mohle

In order to assure that the integrity of the election process is upheld and the true wishes of the membership in Alberta are determined, we recommend that the election for the Regional Executive Officer Alberta positions be rerun as soon as is practicable.

Finally, as we noted at the outset of our report, 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 a review of the Local Union's structure and

getting the Local on a sustainable financial footing going forward. We are also reviewing legal expenditures and representation, grievance handling, and staffing issues, among others at the Local. All of these issues will need to be addressed before the Local can truly move forward.

Respectfully submitted,

Ron Wyatt
Administrator

Mark Rowlinson
Co-Administrator

Scott McRitchie
Co-Administrator

DOCUMENTS IN APPENDIX A

- Election Results
- Summary Table of Protests and Administrators' Determination
- Election Tellers Protest Documents
- Further Recommendations of the Tellers

USW LOCAL 1944 ELECTION RESULTS

Executive Board Elections:

Position	Name	Ballots Cast	Percentage
Local Union President (1)	Ross Brown	403	21.5%
	Isabelle Miller	791	42.3%
	Lee Riggs	656	35.0%
	Abstained	22	1.2%
	Total:	1872	
Local Union Vice-President British Columbia (1)	Betty Carrasco	930	49.9%
	Sharlaine McIntyre	738	39.6%
	Abstained	195	10.5%
	Total:	1863	
Local Union Vice-President Alberta-East (1)	Donna Hokiro	922	49.7%
	Anthony Lebel	747	40.2%
	Abstained	187	10.1%
	Total:	1856	
Local Union Secretary-Treasurer (1)	Michelle Dey	789	42.6%
	Michael Phillips	951	51.3%
	Abstained	112	6.0%
	Total:	1852	
Regional Executive Officer British Columbia (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%
	Abstained	34	1.9%
	Total:	1814	
Regional Executive Officer Alberta (2)	John Alma	161	18.2%
	Steve Durrell	265	30.0%
	Kyle Johnston	199	22.5%
	David Skrober	231	26.2%
	Abstained	27	3.1%
	Total:	883	
Regional Executive Officer Ontario (1)	Brooke Downey	96	58.9%
	Ivor Labrador	62	38.0%
	Abstained	5	3.1%
	Total:	163	

USW LOCAL 1944 ELECTION RESULTS

Regional Executive Officer Quebec (1)	Kaoutar Belaaziz	46	22.9%
	Pierre-Luc Dick	150	74.6%
	Abstained	5	2.5%
	Total:	201	

Trustees (3)	Robert Briza	495	10.4%
	Max Deveau	340	7.1%
	Brenda Forward	195	4.1%
	Wendy Hail	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%
	Abstained	123	2.6%
Total:	4764		

Unit 2 Elections (Victoria):

Position	Name		
Unit Counsellor (2)	Joel Dutil	13	43.3%
	Steve Bond	12	40.0%
	Chris Greene	3	10.0%
	Abstained	2	6.7%
Total:		30	

Unit 5 Elections (Burnaby Plant):

Position	Name		
Unit Vice-Chair (1)	Gerald Jang	23	57.5%
	Mindy Johnson	13	32.5%
	Abstained	4	10.0%
Total:		40	

Unit 8 Elections (Kamloops):

Position	Name		
Unit Vice-Chair (1)	Corey Bonthoux	23	56.1%
	Craig Lee	14	34.1%
	Abstained	4	9.8%
Total:		41	

USW LOCAL 1944 ELECTION RESULTS

Unit Counsellor (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%
	Abstained	1	0.7%
	Total:	134	

Unit 213 Elections (Calgary - Clerical):

Position	Name		
Unit Vice-Chair (1)	Crystal Morris	31	34.8%
	Gigi (Genevieve) Wojdyga	54	60.7%
	Abstained	4	4.5%
	Total:	89	

Unit 501 Elections (Barrie):

Position	Name		
Unit Chair (1)	Erika Crowe	23	62.2%
	Wendy Hail	14	37.8%
	Total:	37	

Unit Vice-Chair (1)	Diane Darroch	9	24.3%
	Erika Crowe	8	21.6%
	Brenda Forward	8	21.6%
	Lauren Harrington	12	32.4%
	Total:	37	

Unit Counsellor (7)	Erika Crowe	24	10.3%
	Lauren Harrington	26	11.2%
	Wendy Hail	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%
	Total:	233	

Unit 602 Elections (Quebec Mobility):

Position	Name		
Unit Chair (1)	Sebastien Whissell	68	66.0%
	Brendan Taylor	32	31.1%
	Abstained	3	2.9%
	Total:	103	

USW LOCAL 1944 ELECTION RESULTS

Unit Vice-Chair (1)	Danis Bouffard	65	63.1%
	Minh Khoi Chau	29	28.2%
	Abstained	9	8.7%
	Total:	103	
Unit Counsellor (8)	Rachelle Vaillancourt-Poirier	47	8.4%
	Sebastien Whissell	62	11.1%
	Robert Messier	46	8.2%
	Widmarc Innocent	49	8.2%
	Kaoutar Belaaiz	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%
	Abstained	7	1.3%
	Total:	559	

#	Protest Category	Teller's determination of violation	Reference	Description	Final Determination of Administrator
1	None	-----		-----	-----
2, 7a, 42f	Endorsement following Unit 213 Executive Meeting -- March 7, 2018	Yes		Improper endorsement following Unit 213 Executive Meeting	Violation of USW Election Manual - Violation potentially impacted the final outcome of the election for the Regional Executive Officer Alberta positions Upheld
3	Email/text	No		Request for text message contact list Request denied - List not provided	No violation of USW Election Manual Dismissed
4	None	-----		-----	-----
5	Unit election	Not at issue		Eligibility - meeting requirements waived Rejected by EXECUTIVE BOARD	Remedied by Tellers and Dismissed
6	LOGO	Yes/No		Use of #1944 on email post	No violation of USW Election Manual Dismissed
7b	Harassment	No		Complaint of feeling bullied No Evidence provided	No violation of USW Election Manual Dismissed
8	Social media/photos	Yes		Improper use of photos from Local website Rejected by EXECUTIVE BOARD	-No Violation of USW Election Manual Dismissed
9, 42e	Social media/photos	Yes		Improper use of photos from Local website	-No Violation of USW Election Manual Dismissed
10a	Withdrawn	-----		-----	-----
10b	Campaign inducement	No		Alleged Improper inducement	No violation of USW Election Manual Dismissed

10c, 12a, 13	Funding	No		Go Fund Me Page Rejected by EXECUTIVE BOARD	No violation of USW Election Manual Dismissed
11	Email/text	No		Protesting Recommended Prohibition on Emails and Texts – as per CRTC/Legal dept.	No violation of USW Election Manual Dismissed
12b	Unit election	Not at issue		Member Unit 5 ineligible as representative in Unit 1 Upheld by EXECUTIVE BOARD	Dismissed as per adoption of the Unit Election Results Report. After Further consideration, under the authority of the Administrator the Member has been acclaimed as representative of Unit 1 – see Note below
12c	Unit election	Not at issue		Eligibility of Candidate Established Rejected by EXECUTIVE BOARD	Remedied and Dismissed
12d, 14	Email/text	No		Request to email endorsements similar to Unit 213 Request denied	No violation of USW Election Manual Dismissed
15	Endorsement	No		Individual Candidate endorsement	No violation of USW Election Manual Dismissed
16	Endorsement	Yes		Unit 201 – hyperlinks in internal communication	Violation of USW Election Manual - No evidence violation impacted the final outcome of the election Remedied
17	LOGO	No		Allegation of improper use of LOGO on website by Ross Brown campaign No Evidence provided Rejected by EXECUTIVE BOARD	Remedied and Dismissed
18	Election general	No		General complaint of conduct of campaign related to Miller mail out	No violation of USW Election Manual Dismissed
19	None	-----		-----	-----

20	Endorsement /LOGO	Yes		Unit 60 communication Improper use of LOGO and endorsement on Facebook Upheld by EXECUTIVE BOARD	Violation of USW Election Manual - No evidence violation impacted the final outcome of the election Remedied
21, 40a, 42g, 42h	LOGO	Yes		Improper use of LOGO – Coffee Mugs and T-Shirts Upheld by EXECUTIVE BOARD	Violation of USW Election Manual - No evidence violation impacted the final outcome of the election
22	- Use of Union resources to distribute campaign material - Motion to compel Unit Executive to endorse	Yes		Events occurred at April 11, 2018 Unit 213 Meeting	After further review – The motion was a violation of USW Election Manual - Violation potentially impacted the final outcome of the election for the Regional Executive Officer Alberta positions Upheld in part
23, 25a, 25b, 25g, 25h, 25i, 25j, 25k, 25l, 25m, 25n, 25o, 25p, 25q, 25r, 25s, 25t, 25u, 25v, 25w, 25x, 25y, 25z	Mail Out	Undetermined		Improper access and use of membership list, Bargaining Unit work, breach of privacy, selective use of membership list	After further review – No violation of USW Election Manual nor of Local's policies and procedures Dismissed
24	None	-----		-----	-----
25c	Email/Texting	No		Prohibition on text	No violation of USW Election Manual Dismissed

25d	Election general			Insufficient Information set out in the Protest. No prima facie case	Dismissed
25e	Election general			Insufficient Information set out in the Protest. No prima facie case	Dismissed
25f	Election general			Insufficient Information set out in the Protest. No prima facie case	Dismissed
25l	Mail out			Insufficient Information set out in the Protest. No prima facie case	Dismissed
25m, 43, 47a	Mail out	No		Wording used in Disclaimer	No violation of USW Election Manual Dismissed
25.1a	Mail out	No		Disclaimer Response to a protest about wording used in Disclaimer	Not an actual protest
25.1b	Mail out	No		Response to a protest about access to membership list	Not an actual protest
25.1c	Mail out	No		Response to a protest about a request for a mail out	Not an actual protest
25.1d	Election general			Defamation/Label. Insufficient Information set out in the Protest. No prima facie case	Dismissed
26, 42i	Endorsement	No		Telus manager's Facebook post	No violation of USW Election Manual Dismissed
27	Unit election	Not at issue		Eligibility Unit and Local positions Rejected by EXECUTIVE BOARD	No violation of USW Election Manual Dismissed
28	Harassment	No		Video/posts reviewed by International Union	No violation of USW Election Manual Dismissed
29	Election general	No		Leafletting on voting day -No evidence submitted	No violation of USW Election Manual Dismissed

30	Re: Protests	No		Request for copies of complaints	No violation of USW Election Manual Dismissed
31.1, 40c, 42d	Election general	Yes		Improper Voting station – Unit 213 Upheld by EXECUTIVE BOARD	After further review - Violation of USW Election Manual - No evidence violation impacted the final outcome of the election
32	Email/text	Yes		Mass email – reply all spam Uphold – defeated by EXECUTIVE BOARD / Rejected	After further review - Violation of USW Election Manual - No evidence violation impacted the final outcome of the election
33	Harassment	No		Videotaping family	No violation of USW Election Manual Dismissed
34	Unit election	Not at issue		New hire/ no vote Upheld by EXECUTIVE BOARD	Unit Election by Acclimation Dismissed
36	Election general	No		No information on results	No violation of USW Election Manual Dismissed
37	Election general	Yes		Campaign material displayed in company vehicle Insufficient information set out in protest No prima facie case	Dismissed
39	None	-----		-----	-----
40d	Election general	No		General Complaint Insufficient information set out in protest No prima facie case	Dismissed

41	Use of Company Property	Yes		Campaign Promotional Video with improper imagery Insufficient information set out in protest No prima facie case	Attempted further review – Video not provided Dismissed
44	Union resources	No		Use of Union paid cell phone	After further review – Evidence showed the phone was a personal phone not paid for by the Union No violation of USW Election Manual Dismissed
45	Unit Election	Not at issue		Reporting error successful candidate Upheld by EXECUTIVE BOARD	Remedied and Dismissed
46	Unit Election	Not at issue		Ineligibility Upheld by EXECUTIVE BOARD	Dismissed
47b	Mail Out	No		Complainant did not receive material from all candidates Rejected by EXECUTIVE BOARD	No violation of USW Election Manual Dismissed
48	Social media	No		Use of “Stand at Noon”	No violation of USW Election Manual Dismissed
49	Voice Broadcast	No		Voice broadcast not permitted as per CRTIC/legal dept.	No violation of USW Election Manual Dismissed
50	Replacement of vacant Tellers’ position	No		Teller resigned and replaced	No violation of USW Election Manual Dismissed
51	Helpline	No		Intelivote Support Line – PIN # access Upheld by EXECUTIVE BOARD	Remedied and Dismissed

Note: #12b Unit Election Protest

While the Tellers Committee is technically right in their conclusion, we have exercised our discretion and appointed Steve Colby as Secretary of Unit 1 as there is no one interested in filling this vacancy. To be clear, no one should misconstrue this as precedence setting. We have done this

for two reasons. First as stated there is an unfilled vacancy and secondly, we did not want to get into amalgamating units at this time because of unfilled vacancies.

Teller Report on USW 1944 Election on April 19th 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 http://www.miller2018.ca [3]</p>
USW Regulations:	<p>USW Local Union Elections Guidelines</p> <ul style="list-style-type: none"> • 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 • 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

	<p>of any person.</p> <ul style="list-style-type: none"> • 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>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 19th 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.
Teller Response:	<ul style="list-style-type: none"> 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. 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 the other candidate states 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. o
Violation: Yes/No	No
Election impacting:	No – all candidates were equally barred from sending text messages
Teller Recommendation:	<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 19th 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 14th, 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><u>RE: Request for the waiving of Unit meeting attendance eligibility requirement for Local Union Executive Board Election and Unit Elections</u></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 19th 2018

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 19th 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 19th 2018

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.

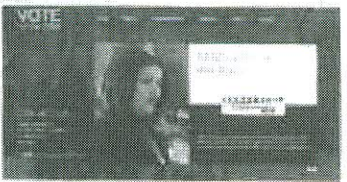



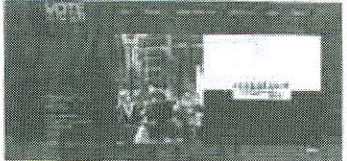
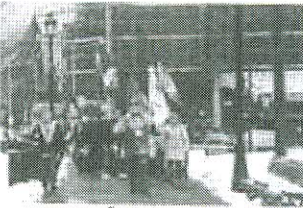
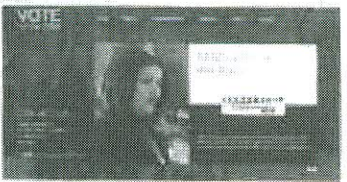



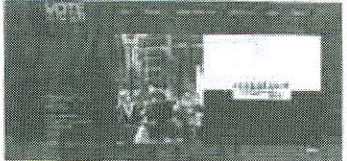
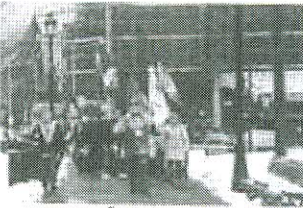
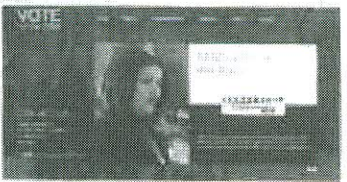



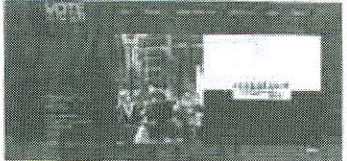
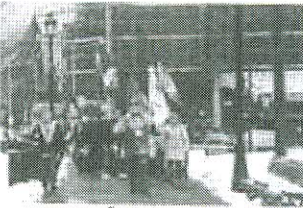
Teller Report on USW 1944 Election on April 19th 2018

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 6th 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 19th 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" data-bbox="456 737 1308 1759"> <tr> <td data-bbox="456 737 834 1045">  </td> <td data-bbox="834 737 1308 1045"> <p>This is an official Local 1944 image taken by staff at the 2017 Local Annual Delegated Meeting using Local Union monies & resources.</p> <p>https://www.flickr.com/photos/usw1944/34853641028/</p>  <p>Original image.</p> </td> </tr> <tr> <td data-bbox="456 1045 834 1354">  </td> <td data-bbox="834 1045 1308 1354"> <p>This is an official Local 1944 image taken by staff at the 2017 Local Annual Delegated Meeting using Local Union monies & resources.</p> <p>https://www.flickr.com/photos/usw1944/34883693141/</p>  <p>Original image.</p> </td> </tr> <tr> <td data-bbox="456 1354 834 1759">  </td> <td data-bbox="834 1354 1308 1759"> <p>This is an official Local 1944 image taken by staff at the 2016 National Policy Conference using Local Union monies & resources.</p> <p>https://www.facebook.com/usw1944/photos/a.1162819833789277.1073741847.588346753217291/1182820057129288/</p>  <p>Original image.</p> </td> </tr> </table>		<p>This is an official Local 1944 image taken by staff at the 2017 Local Annual Delegated Meeting using Local Union monies & resources.</p> <p>https://www.flickr.com/photos/usw1944/34853641028/</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 & resources.</p> <p>https://www.flickr.com/photos/usw1944/34883693141/</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 & resources.</p> <p>https://www.facebook.com/usw1944/photos/a.1162819833789277.1073741847.588346753217291/1182820057129288/</p>  <p>Original image.</p>
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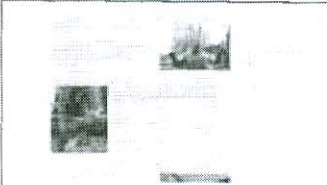


This is an official Local 1944 image taken by staff at the 2016 National Policy Conference using Local Union monies & resources.

<https://www.facebook.com/usw1944/photos/a.1162619833789777.1673741847.5682437532172911636216504564/>



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.1162619833789777.1073741847.568346753217291162620480456579/>



Original image.

<https://www.flickr.com/photos/usw1944/349570400/>



Original image.

<https://www.flickr.com/photos/usw1944/34380263675/>


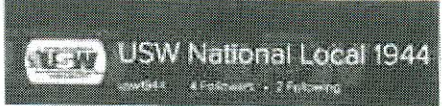


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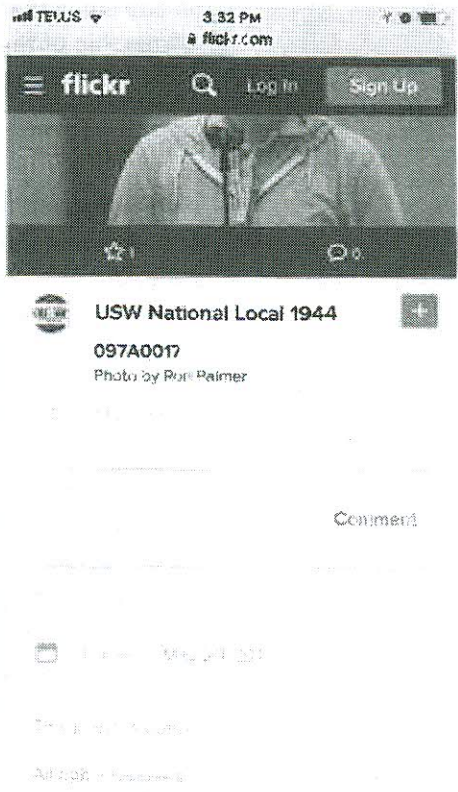
https://www.flickr.com/photos/usw-metal/387771582847/a_album-72457688650-C3321/

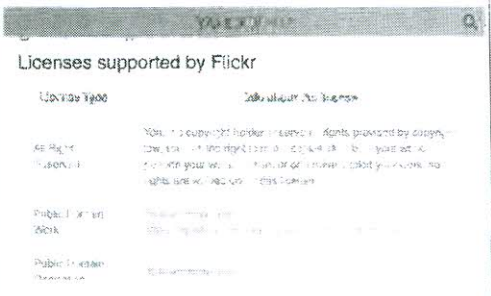


Original image.

	<p>The links for the photos are as follows:</p> <ul style="list-style-type: none"> a. flickr.com/photos/usw1944/34950640086/ - by Jim Orfino b. flickr.com/photos/usw1944/34880693141/ - by Ron Palmer c. facebook.com/usw1944/photos/a.1162619833789977.1073741847.568346753217291/1162620057123288/ - by Brett Barden d. facebook.com/usw1944/photos/a.1162619833789977.1073741847.568346753217291/116261690456458/ - by Brett Barden e. facebook.com/usw1944/photos/a.1162619833789977.1073741847.568346753217291/1162620480456579/ - by Brett Barden f. flickr.com/photos/usw1944/34990585675/ - by Ron Palmer g. flickr.com/photos/usw-metallos/36777158284/in/album-72157686650103321/ - by Kim Hume 	
<p>USW Regulations:</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, 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>April 6th 2018 “Letter to candidates from USW Local 1944 Tellers” 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>ACTION: We expect candidates and/or their campaigns to take appropriate and prompt action to remove or correct any of the above violations.</p>	
<p>Isabelle Miller’s Additional Comments /Complaints & Teller Response:</p>	<p>Isabelle Miller’s Comments/Complaints</p> <p>April 8th I have not taken any pictures from our union's website nor the Local Union's website.</p>	<p>Teller Response</p> <p>Yes you have. “union website” includes:</p> <p>facebook.com/usw1944/</p>  <p>flickr.com/photos/usw1944</p> 

	<p>April 8th 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>April 8th 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>17 Apr 2018 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>May 2nd 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>May 2nd</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>May 2nd</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>May 2nd</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 "All Rights Reserved"</p>  <p>"All Rights Reserved"</p>

	<p>May 2nd</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>May 2nd</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 facebook.com/usw1944/, and flickr.com/photos/usw1944 for USW 1944. The USW Canadian National communications office maintains flickr.com/photos/usw-metallos/ - 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>May 2nd</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 leadership2018.ca 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 leadership2018.ca site.</p>
	<p>May 2nd</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>
<p>Violation: Yes/No</p>	<p>Yes – use of photos</p> <p>Yes – use of cell phones - if monthly rate plan isn't paid</p> <p>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 USW Local Union Elections Guidelines 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">• facebook.com/usw1944/• flickr.com/photos/usw1944• flickr.com/photos/usw-metallos/

Teller Report on USW 1944 Election on April 19th 2018

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 th 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 th , 2018.
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	No recommendations bylaws implemented.

Teller Report on USW 1944 Election on April 19th 2018

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 19th 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 19th 2018

Complaints

Complaint No:	11
About member / candidate / process:	Request for information re: block on emails and texts
Complaint:	<p>From: isabelle miller Sent: Monday, March 26, 2018 5:19 PM 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 us 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>Sun, 8 Apr 2018 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>
<p>USW Regulations:</p>	<p>Perquin, John April 3, 2018</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>Perquin, John April 12, 2018</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>Perquin, John April 16, 2018</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>
<p>Teller Response:</p>	<p>April 9th 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>LUEM page 50 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>Tellers: Candidates do not get reimbursed for campaign expenses. All candidates have the same delay.</p>
<p>Violation: Yes/No</p>	<p>No,</p>
<p>Election impacting:</p>	<p>No</p>
<p>Teller Recommendation:</p>	

Teller Report on USW 1944 Election on April 19th 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 19th 2018

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 19th 2018

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 19th 2018

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"> • 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. • YES, refer to complaint #2 about the email sent by Isabelle to 213 members.
Election impacting:	Refer to Complaint 2
Teller Recommendation:	<ul style="list-style-type: none"> • Remind Candidates you can not right a wrong by doing wrong. • Amend by-laws for TWU/USW Local Union 1944 to reflect this ruling directed from the International.

Teller Report on USW 1994 Election on April 19th 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"> ○ Donations are allowed from any steelworker in good standing. ○ If asked the candidate should be able to produce a list of donors to the Tellers (example: GoFundMe, spreadsheet, etc.) ○ No moneys for the Union and no moneys from an employer may be used to support or oppose a candidate. ○ We have no rules set out for contributing to candidates other than those found in the Local Union Elections Manual. ○ Similarly, there are no reporting rules set out in the Local Union Elections Manual. <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 19th 2018

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 19th 2018

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 19th 2018

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 19th 2018

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: “THE USW LOGO IS THE PROPERTY OF THE UNION AND IS NOT TO BE INCORPORATED IN ANY CAMPAIGN MATERIAL OR MEDIA.”
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 19th 2018

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 19th 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:	<div data-bbox="509 594 980 898" data-label="Image"> </div> <p data-bbox="509 898 1045 926">flickr.com/photos/usw1944/34950640086/</p> <p data-bbox="509 951 1295 1003">Unauthorized use of photo from official union web site - and harassment of member.</p> <p data-bbox="509 1031 976 1056">Members email to Isabelle Miller:</p> <p data-bbox="509 1083 1287 1318">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 data-bbox="509 1394 867 1419">Members email to Tellers:</p> <p data-bbox="509 1423 829 1476">11 Apr 2018 To Whom it may concern</p> <p data-bbox="509 1503 1317 1866">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>Isabelle's email to the Tellers: 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>USW Regulations:</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 6th 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>ACTION: We expect candidates and/or their campaigns to take appropriate and prompt action to remove or correct any of the above violations"</p> <p>May 2nd 2018 Teller Question: Are non-members/ retired members allowed to make complaints to Tellers?</p> <p>John Perquin's Response:</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.
Teller Response:	<p>April 24th 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>May 7th Teller Response to Isabelle Miller: "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>
Violation: Yes/No	Yes
Election impacting:	Yes -Isabelle Miller
Teller Recommendation:	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 19th 2018

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 19th 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>“THE USW LOGO IS THE PROPERTY OF THE UNION AND IS NOT TO BE INCORPORATED IN ANY CAMPAIGN MATERIAL OR MEDIA.”</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 19th 2018

Complaints

Complaint No: 22	
About member / candidate/ process:	David Skrober, Isabelle Miller, Leadership2018, Miller2018
Complaint:	<ul style="list-style-type: none"> • Distribution of campaign materials using Union resources • Motion to compel the Executive to endorse
USW Regulations:	<p><u>As per John Perquin:</u></p> <ul style="list-style-type: none"> • If the account of what took place at the meeting is accurate, the violations are egregious and cannot go unanswered. • 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. • 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.
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 19th 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 (BUT NOT TO COPY) 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 19th 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 rd 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 19th 2018

Complaints

Complaint No:	25B
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	Allegations from Forward 1944 "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."
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"> 1. Improve the language to the bylaws that better spells out the Campaign mail out procedure and policies. 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. 3. Add language to the bylaws that requires the signature of two table officers, of which neither are campaigning on the same slate, when requesting a mail out. 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.

Teller Report on USW 1944 Election on April 19th 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 19th 2018

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.

Teller Report on USW 1944 Election on April 19th 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 19th 2018

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:	

Teller Report on USW 1944 Election on April 19th 2018

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 19th 2018

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"> 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. 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.
USW Regulations:	
Teller Response:	<ol style="list-style-type: none"> 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" 2. To be determined by the Executive Committee
Violation: Yes/No	<ol style="list-style-type: none"> 1. No 2. To be determined
Election impacting:	
Teller Recommendation:	

Teller Report on USW 1944 Election on April 19th 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 19th 2018

Complaints

Complaint No: 25 J	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	Allegations from Forward 1944 "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."
USW Regulations:	Please see #35
Teller Response:	As per a conversation between the tellers and John Perquin on Friday April 27, 2018 1pm, "In the past within the International, the Secretary-Treasurer has recused himself to remove any possibility of a conflict of interest." Michael Phillips should have recused himself and placed this in someone else's hands.
Violation: Yes/No	Yes
Election impacting:	Yes
Teller Recommendation:	

Teller Report on USW 1944 Election on April 19th 2018

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 19th 2018

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 19th 2018

Complaints

Complaint No: 25 M	
About member / candidate/ process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	Allegations from Forward 1944 "In addition, the postcard deceptively says that it was sent by Local 1944 on behalf of Isabelle Miller, at the expense of the candidate."
USW Regulations:	
Teller Response:	The Properly worded Disclaimer went: <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> <i>This message in no way represents an endorsement by the Local."</i> 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.
Violation: Yes/No	Yes
Election impacting:	Yes
Teller Recommendation:	

Teller Report on USW 1944 Election on April 19th 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 19th 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 19th 2018

Complaints

Complaint No: 25.1 C	
About member / candidate/ process:	Lee Riggs. Forward1944
Complaint:	<p>Answers to Forward1944 accusations from Miller 2018</p> <ol style="list-style-type: none"> 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. 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."
USW Regulations:	
Teller Response:	<ol style="list-style-type: none"> 1. A"request" is not an Approval. 2. The "ability" was discussed, but not approved.
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 19th 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:	

Teller Report on USW 1944 Election on April 19th 2018

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 19th 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:	As per John Perquin in email dated April 16, 2018: 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.
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	

Teller Report on USW 1944 Election on April 19th 2018

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 19th 2018

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:	

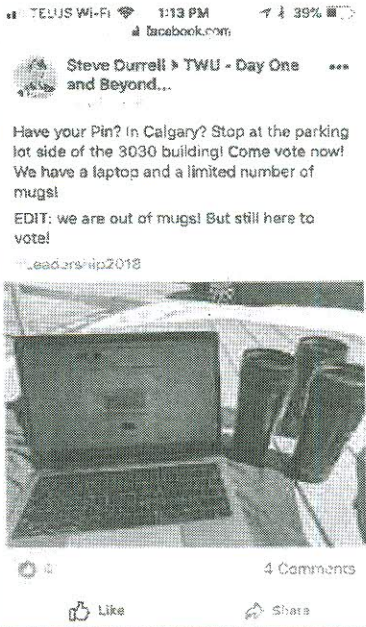
Teller Report on USW 1944 Election on April 19th 2018

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 19th 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"> • 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. • 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. • No candidate for office shall be allowed at the polling place at any time except for the purpose of casting a vote.

Complaint 31.1

	<ul style="list-style-type: none">• The USW logo is the property of the Union, and is not to be incorporated in any campaign material or media.
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 19th 2018

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 19th 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 19th 2018

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 19th 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 th , 2018.
USW Regulations:	<p>Quoting John Perquin's letter addressed to Michael Phillip's on April 12th, 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 requesting to use the tested, tried and true method of regular mailings.</p> <p>On February 5th, 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 impose.</p> <p>International Union Elections Manual: Part VI Campaign Conduct Section 2. Specific Applications 2(a) 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>International Union Elections Manual: Part VI Section 3(a) page 64-65" ...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 requesting 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 19th 2018

Complaints

Complaint No:	36,36.1
About member / candidate / process:	Election Results/Process
Complaint:	<ol style="list-style-type: none"> 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? 2. What is being done to address the accusations that were put out by the Forward 1944 team towards other nominees?...
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"> 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. 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, "<u>Reports, Protests and Appeals.</u>"
Violation: Yes/No	No
Election impacting:	No
Teller Recommendation:	

Teller Report on USW 1944 Election on April 19th 2018

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 19th 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; Q: Michael Phillips: <i>"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?"</i> A: John Perquin: <i>"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."</i>
Violation: Yes/No	No
Election impacting:	Yes, Isabelle Miller, Leadership2018, Miller2018
Teller Recommendation:	

Teller Report on USW 1944 Election on April 19th 2018

Complaints

Complaint No:	39/39.1
About member / candidate/ process:	Michael Phillips
Complaint:	Support of Michael Phillips
USW Regulations:	
Teller Response:	As these were letters of support for Michael Phillips and letters of concern about allegations made against him, emails were sent out stating: "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	No
Election impacting:	No
Teller Recommendation:	

Teller Report on USW 1944 Election on April 19th 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 19th 2018

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"> 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." 2. "The supplemental Local Union Election Guidelines state on page 2 "union offices may not be used for campaign activities". 3. "No campaigning on employer premises under any circumstance". 4. "Nor on Union or Company time."
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 19th 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 5th, 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.

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| | <ol style="list-style-type: none">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.3. Add language to the bylaws that requires the signature of two table officers, of which neither are campaigning on the same slate, when requesting a mail out.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. |
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Teller Report on USW 1944 Election on April 19th 2018

Complaints

Complaint No: 42(b)	
About member / candidate/ process:	Michael Phillips as candidate
Complaint:	Michael Phillips as a candidate <i>should have recused</i> 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 (<i>but not to copy</i>) 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 5th, 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"> 1. Improve the language to the bylaws that better spells out the Campaign mail out procedure and policies. 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. 3. Add language to the bylaws that requires the signature of two table officers, of which neither are campaigning on the same slate, when requesting a mail out. 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.

Teller Report on USW 1944 Election on April 19th 2018

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 19th 2018

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 19th 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 19th 2018

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 19th 2018

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 19th 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:	

Teller Report on USW 1944 Election on April 19th 2018

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 Hokiro
USW Regulations:	
Teller Response:	
Violation: Yes/No	
Election impacting:	
Teller Recommendation:	

Teller Report on USW 1944 Election on April 19th 2018

Complaints

Complaint No: 43	
About member / candidate / process:	Isabelle Miller, Leadership2018, Miller2018
Complaint:	Misleading voters, Disclaimer. The Disclaimer reads: <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. This message in no way represents an endorsement by the Local."</i>
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.

Teller Report on USW 1944 Election on April 19th 2018

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 1604-213-1000 I have a personal iPhone that I have the Pogo app with a phone number of 773-461- 002. That 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:	

Teller Report on USW 1944 Election on April 19th 2018

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:	

Teller Report on USW 1944 Election on April 19th 2018

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.

Teller Report on USW 1944 Election on April 19th 2018

Complaints

Complaint No:	48
From:	Forward1994
About member / candidate / process:	Stand at Noon
Complaint:	<p>Additional protest regarding Stand At Noon Facebook group</p> <p>Date 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. 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 th 2018.

Teller Report on USW 1944 Election on April 19th 2018

Complaints

Complaint No: 49	
About member / candidate / process:	Request for Voice Broadcast.
Complaint:	April 10 th 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:	

Teller Report on USW 1944 Election on April 19th 2018

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:	

Teller Report on USW 1944 Election on April 19th 2018

Complaints

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

RECOMMENDATIONS OF THE TELLERS

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.

ADDITIONS TO THE LOCAL UNION BYLAWS

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.