

# BMW E

Central Committee for Canada  
Executive Committee

September 18, 2003

Mr. F. N. Simpson  
Acting President  
BMW E  
26555 Evergreen Road  
Southfield Michigan

Via Facsimile – Original Registered Mail

Dear Acting President Simpson;

This has reference to the Central Committee for Canada meeting held September 4, 2003. As you were in attendance at this meeting you are aware fully of what transpired at this meeting.

The following motion was made and adopted by a vote of 9 to 2:

Move that Acting President Simpson be given 48 hours to reconsider the position taken regarding the CCC proposed Bylaw amendments part of which established a Canadian Director. Should Acting President Simpson fail to agree to the proposal within that time frame, the CCC enacts the Canadian Resolution and directs the Executive of the CCC to meet forthwith to negotiate the separation of the BMW E Canadian members from the BMW E in order to protect our autonomy and sovereign rights.

To date, we have not received a response from you regarding this very important matter to all Canadian BMW E members. As a result of this, and the clear direction from the CCC and resolutions from two of the three Joint Protective Boards in Canada we are bound to comply with these bodies to enact the Canadian Resolution and separate the Canadian members from the International Union.

This is official notice, in accordance with the requirements of the Canadian Resolution number 9, that we have prepared a proposal and wish to negotiate immediately to separate the Canadian membership from the International Union. It is absolutely critical that we meet forthwith, and you have our commitment to clear our agendas for the next two weeks if necessary to finalize this plan.

We look forward to a new day in Canada that allows Canadian BMWs their sovereign rights to determine their own destiny, while retaining a close working relationship with our Brothers and Sisters of the BMW in the United States.

Your immediate attention and action in this matter would be sincerely appreciated.

In Solidarity



Mr. R. A. Bowden  
Vice Chairman

Mr. R. S. Dawson

Chairman

Mr. K. M. Deptuck

Member



Mr. J. J. Kruk

c.c. K. Georgetti - CLC President  
Canadian Industrial Relations Board

# **Report of the Executive Committee of the Central Committee for Canada Regarding the Canadian Resolution for Separation from the International BMWWE**

## ***Background***

At the 2002 Grand Lodge Convention election procedures were amended that removed the right of Canadian BMWWE members to elect the Canadian Officers in the International Union. This action was taken with the full knowledge that the BMWWE would be in violation of the Constitution of the Canadian Labour Congress. This has led to disenfranchised Canadian members and wide division between the International BMWWE and the Canadian membership. This division was reflected at the Central Committee for Canada meeting held on September 4, 2003.

The Central Committee for Canada has made every reasonable effort to address this situation with the Grand Lodge (International) of the BMWWE . The CCC proposed an amendment to the CCC Bylaws that would have seen the election of a Canadian Director that would remain in effect until the Grand Lodge Constitution was amended to allow the election of Canadian Officers (two Vice Presidents and Executive Board Member) by Canadians only. This would have moved to address the situation with the CLC and the Canadian membership. Unfortunately, President Fleming rejected the proposal for a Canadian Director. Further clarification was requested on this Presidential rejection of the proposal but no response has been received.

Grand Lodge responded by creating and funding the Committee for Positive Change. This committee developed a plan that would see the merger of the three Federations in Canada in a manner inconsistent with the Grand Lodge and System Constitution and Bylaws while not addressing the fact that the three Grand Lodge Officers representing Canada would still be elected by the predominantly American vote at the convention. The Committee made numerous representations regarding the dues structure and the elimination of the Grand Lodge Officers representing Canada. However nothing in writing regarding the elimination of the Canadian Vice Presidents, elimination of the Canadian Executive Board member, or a reduction in dues was ever distributed. The Grand Lodge Constitution requires the payment of Grand Lodge dues (currently \$24.25 per month) and the filling of the two Vice Presidents and the Executive Board member representing Canada. These false promises were made to sway the membership, while those making them knew full well that they were in violation of the Grand Lodge Constitution and Bylaws. Whether there is one System in Canada or even more than the three that currently exists, the fact would still remain that Canadians would not elect their international representatives. What this proposal intends is to force a merger of the System Federations while leaving the Grand Lodge structure and dues intact and actually reducing the System Officers that are currently elected by Canadians. This proposal was presented in the form of a resolution to the System Federations for discussion and action at their respective Joint Protective Boards which all three rejected. In fact two of the three System Federations Joint

Protective Boards passed resolutions requiring their members of the CCC to allow the Grand Lodge President one further opportunity to approve the Canadian Director proposal as previously adopted by the CCC failing which they were to do everything possible to enact the Canadian Resolution.

As a result the Central Committee for Canada, the governing body of the Union in Canada enacted a motion at the meeting of September 4, 2003. This motion passed by a vote of 9 in favour and two opposed. The two opposed were the International Vice Presidents and the nine in favour were the three CCC officers of each of the three System Federations in Canada. Therefore, all the CCC representatives that are elected by Canadians unanimously adopted this motion.

This motion was:

Move that Acting President Simpson be given 48 hours to reconsider the position taken regarding the CCC proposed Bylaw amendments part of which established a Canadian Director. Should Acting President Simpson fail to agree to the proposal within that time frame, the CCC enacts the Canadian Resolution and directs the Executive of the CCC to meet forthwith to negotiate the separation of the BMW Canadian members from the BMW in order to protect our autonomy and sovereign rights.

### ***Actions required of the Executive Committee***

We have carefully reviewed the resolutions adopted by the two Joint Protective Boards representing Canadian members together with this motion and have taken notice of the clear direction given to us. President Simpson failed to respond favourably to the creation of a Director within the time frame given by the CCC and to date has failed to respond. We are therefore required by action of the CCC "to meet forthwith to negotiate the separation of the BMW Canadian members from the BMW".

Resolution number 9, the Canadian Resolution of the Grand Lodge Constitution and Bylaws, states in part, "That we, the delegates of the 44th Grand Lodge Convention of the Brotherhood of Maintenance of Way Employes, recommend that the Executive Committee of the Central Committee for Canada prepare a proposed plan that would achieve the results desired by their members and submit it to the Grand Lodge President".

Therefore, in order to follow the requirements of resolution number 9 we are required to prepare a plan and present it to the President as we recognize the clear unambiguous language of the resolution that states in part, "We recognize and respect that, by law or through the necessity for survival, our Canadian members may be required to separate their relationship with the Brotherhood of Maintenance of Way Employes". There is no doubt that we are speaking of our very survival in Canada and that this proposal achieves "the results desired" by Canadian members.

Resolution number 9 is also very clear stating "The Canadian members of many International Unions, including the Canadian members of several of the Railroad Brotherhoods, have taken action similar to this resolution in order to continue the spirit of cooperation that has existed between our Canadian and American members for so many years". We submit that this language clearly allows us to enact this resolution.

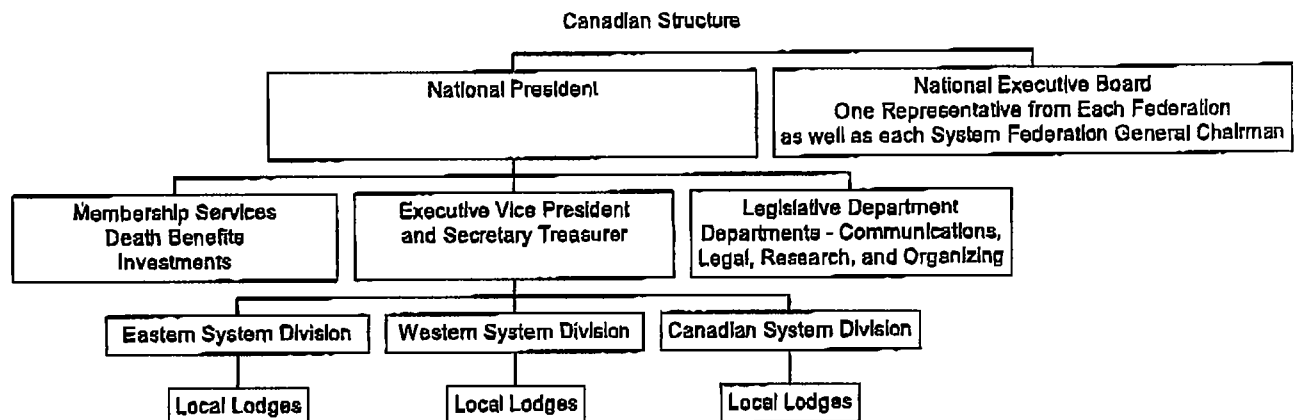
We, as well as the International Union, are also bound by resolution number 9, the Canadian Resolution, that states " That the Grand Lodge President convene the Grand Lodge Executive Board and the Executive Committee of the Central Committee for Canada, within one hundred and twenty (120) days of the receipt of the proposal, for the purpose of agreeing upon fair and equitable terms to be approved in accordance with the Grand Lodge Constitution and Bylaws under which the plan may be implemented. This plan must be approved by a majority of all Subordinate Lodges from each individual System Federation in Canada".

### ***Actions of the Executive Committee***

After careful consideration of the matter and the direction given to us by the governing body of the BMWE in Canada, the CCC, we are bound to enact the Canadian Resolution and move to separate the Canadian membership of the BMWE from the International Union. This involves having a proposal to present to the International. This proposal, upon conclusion of the negotiations with Grand Lodge will formulate the plan which will be forwarded to the local lodges for their approval as required by resolution number 9. We further note that resolution number 9 contemplates the Canadian membership merging themselves with another union.

We recognize the necessity and importance in this entire process in allowing the Canadian members to make an autonomous and sovereign democratic decision.

### ***Proposal of the Executive Committee***



**National President:**

- ***Elected at founding convention***
- ***Subsequent elections by mail in direct vote of the membership***
- ***Interim office filled by referendum ballot of the Canadian delegates to the 44<sup>th</sup> BMW Convention***
- ***Authority to approve agreements***
- ***General Supervision of Union***
- ***Hire staff with approval of Executive Committee***

**National Executive VP/Secretary Treasurer**

- ***Elected at founding convention***
- ***Subsequent elections by mail in direct vote of the membership***
- ***Interim office filled by referendum ballot of the Canadian delegates to the 44<sup>th</sup> BMW Convention***
- ***Responsible for all finances of National Union***
- ***Will also work as assigned by President***

## **Founding Convention**

- ***Elect President, and Executive VP/Secretary Treasurer***
- ***Adopt a new Constitution and Bylaws – Interim Constitution will be the current BMW E Constitution amended to reflect a new Canadian Union***
- ***Create Policy and Direction for National Union***

## **Executive Committee**

- ***Fiduciaries of National Union***
- ***Two representatives from each System – one is System Federation General Chairman***
- ***One other from each System elected by that Systems delegates at founding convention***
- ***Act as checks and balance to President and Vice President***

## **Systems**

- ***Retain existing Systems with JP boards and elections as per System By-Laws***
- ***Existing Bylaws and amending procedures except amendments to reflect a new Canadian Union***

**• Subsequent to 2008 any new System elections will be direct elections by the membership of that System**

The undersigned as voting members and representing a majority of the Executive of the CCC hereby vote to adopt this report and proposal and move to enact the Canadian Resolution immediately.

Mr. R. A. Bowden  
Vice Chairman

Date Sept 18 2003

Mr. R. S. Dawson  
Member

Date 18 Sept 03

Mr. K. M. Deptuck  
Chairman

Date



Mr. J. J. Kruk  
Member

Date