



**Canadian Media Guild**  
**La Guilde canadienne des médias**  
CWA/SCA CANADA

# Report of the Election Committee

26 April 2021

## **Members of the Election Committee**

Thomas Cramer, CBC Toronto  
Giordano Ciampini, Canadian Press Toronto  
Harry Mesh, CBC Grand Falls, NL

## **CMG Staff supporting the Election Committee**

Olivier Desharnais-Roy, Staff Representative  
Glenn Seymour, Membership Coordinator

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## Intro

After the call for nominations sent to the CMG membership on 3 October 2019, the National Executive Committee appointed three members, Harry Mesh, Thomas Cramer and Giordano Ciampini, to the Election Committee on 18 October 2019. Two CMG staff have been supporting them in their duties: Glenn Seymour, Membership Coordinator, and Olivier Desharnais-Roy, Staff Representative. The former helps with the administration of the election process (logistics, voting, communiqués), while the latter provides advice on the interpretation of the CMG Bylaws and policies.

Following the 2019 CMG National and Branches Elections, the National Election Committee made the decision to write a report and make recommendations pertaining to the National Election Committee, the rules on elections and other important matters with the intent to better protect the integrity of the democratic process.

## 2019 CMG National and Branch Elections

### Timeline

The period of nominations ended on Friday November 8, 2019. At that time, seven positions were contested:

<b>National President</b>	<ul style="list-style-type: none"> <li>● Kam Rao</li> <li>● Carmel Smyth</li> </ul>
<b>National Vice-President</b>	<ul style="list-style-type: none"> <li>● Brent Cousland</li> <li>● Andrea Sellinger</li> </ul>
<b>National Director - Equity and Human Rights:</b>	<ul style="list-style-type: none"> <li>● Jérôme Atangana</li> <li>● Khaleel Mohammed</li> </ul>
<b>CBC Branch President</b>	<ul style="list-style-type: none"> <li>● Jonathan Spence</li> <li>● Kim Trynacity</li> </ul>
<b>CBC Branch Vice-President</b>	<ul style="list-style-type: none"> <li>● Jordanna Lake</li> <li>● Bob Sharpe</li> </ul>
<b>CBC Branch Secretary-Treasurer</b>	<ul style="list-style-type: none"> <li>● David Horemans</li> <li>● Lorne Shapiro</li> </ul>

<b>CBC Branch Director - North</b>	<ul style="list-style-type: none"> <li>• Matthew Martin</li> <li>• Pauline Pemik</li> </ul>
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Other positions on the NEC or on BECs were either not contested, or no candidate came forward.

The election started on 14 November 2019. The vote took place between 5 and 9 December 2019. The results were announced on 10 December 2019 as follows:

<b>National President</b>	<ul style="list-style-type: none"> <li>• <b>Carmel Smyth: 658 (60.6%)</b></li> <li>• Kamala Rao: 428 (39.4%)</li> </ul>
<b>National Vice-President</b>	<ul style="list-style-type: none"> <li>• <b>Brent Cousland: 538 (53.0%)</b></li> <li>• Andrea Sellinger: 478 (47.0%)</li> </ul>
<b>National Director - Equity and Human Rights:</b>	<ul style="list-style-type: none"> <li>• <b>Khaleel Mohammed 682 (69.5%)</b></li> <li>• Jérôme Atangana 299 (30.5%)</li> </ul>
<b>CBC Branch President</b>	<ul style="list-style-type: none"> <li>• <b>Kim Trynacity: 568 (56.9%)</b></li> <li>• Jonathan Spence: 431 (43.1%)</li> </ul>
<b>CBC Branch Vice-President</b>	<ul style="list-style-type: none"> <li>• <b>Bob Sharpe: 533 (58.2%)</b></li> <li>• Jordanna Lake: 383 (41.8%)</li> </ul>
<b>CBC Branch Secretary-Treasurer</b>	<ul style="list-style-type: none"> <li>• <b>Lorne Shapiro: 501 (60.2%)</b></li> <li>• David Horemans: 331 (39.8%)</li> </ul>
<b>CBC Branch Director - North</b>	<ul style="list-style-type: none"> <li>• <b>Pauline Pemik: 44 (65.7%)</b></li> <li>• Matthew Martin: 23 (34.3%)</li> </ul>

As per the CMG Bylaw 10.1h), any candidate had until 24 December 2019 to file a challenge. The Election Committee having received none, the results were automatically certified on that day.

## Questions

The Election Committee received four requests, one about debates, one about the releases of candidates' names prior to the end of the nomination period, one on the voting process, and one on the status of members of the Freelance Branch. Here is the Election Committee's position or response for each of these requests.

## Debates

The Election Committee does not have the capacity to organize, facilitate, or to moderate debates. Regarding the request to organize a debate, the Election Committee replied that if members wanted to organize debates between candidates, they could do so, as long as the

participation of candidates is voluntary and the Code of conduct, guidelines and bylaws are respected.

## Releases of names before the end of the nomination period

The Election Committee declined to release the names of candidates before the end of the nomination period. The Election Committee relied on the practice set during past CMG elections. The Election Committee also believed that it could skew the nomination process. To ensure the integrity of the process, the names were not even shared with the Election Committee before the nomination period came to a close.

## Voting process

Members expressed concerns about the integrity of online voting. The Election Committee agreed and made changes to the process by which members would sign in to cast their votes. This change was made because membership lists, with names and membership numbers, had been shared between members in the past. Instead of a password generated using their names, each member would get a randomized 6-digits password that would be communicated to them via an email sent to their personal email address. The Election Committee strongly believed this change would ensure the integrity of the voting process, without making it more difficult for members to cast their votes. No complaints were received from members related to this change.

## Status of the members of the Freelance Branch

The Election Committee ruled that these members were eligible to vote in the elections and were eligible to run as candidates for the national positions, but could not run for any position on the Freelance BEC, since the NEC had made the decision to move this Branch to CWA-Canada. To clarify, since the members of the Freelance Branch were still CMG members at the time of voting, they could still run and vote. The move to CWA-Canada was completed after the election. The timing of this change was unfortunate, and this will be addressed later in the report.

## NEC motion on the status of the members of the Freelance Branch

The Election Committee received an email from Kam Rao, acting as Chair of the NEC, on 24 November 2019, pertaining to a motion passed by the NEC regarding the status of these members. The Election Committee responded on 28 November 2019. Both emails can be found in Appendix B of this report.

The Election Committee took the view then, and remains of the same opinion now, that the Election Committee operates at arm's length of other CMG bodies so it can ensure the integrity of the election process.

From the Election Committee's response on 28 November 2019:

*"It is highly unusual and rather inappropriate for the Committee to receive instruction from the NEC in the midst of the Election cycle. It is especially concerning when one of the motions is moved by a current candidate, and we have not been informed whether other candidates for position voted or they abstained. We express caution that candidate*

*involvement in these motions could be seen as interfering in the election process and could have the potential to lead to challenged outcomes.”*

The Election Committee wants to emphasize here that it shall remain independent and free from any political interference, especially around elections.

## Complaints

The Committee received 21 complaints between 14 November and 9 December 2019:

- 12 complaints were related to content posted or names of pages/groups/handles on social media platforms (Facebook, Twitter).
- 6 complaints were related to expenses
- 4 complaints were related to the “Keep CMG working” campaign from CUPE 1281
- 1 complaint was related to public disclosure of internal union business
- 1 complaint was related to improper access to a membership list
- *NOTE: Some complaints fall in more than one category.*

Of these complaints, eleven were deemed founded, and the Election Committee issued a ruling to the responding party, with a copy to the complaining party. Three complaints were deemed unfounded, and three were deemed out of scope of the Election Committee.

Furthermore, four complaints needed further review, as they required the support of other CMG officers (the Trustees and Comptroller), and two complaints were closed without review, since the matters were addressed by the responding party before the Election Committee could rule on the matters.

On the complaints requiring the assistance of the Trustees and Comptroller, the Election Committee asked the NEC to request the Trustees to review CMG expenses to make sure that no CMG expenses were incurred by candidates during the elections.

## Work of the Election Committee

The Election Committee was quite busy during the election, with a rough estimate of a total of 100 hours spent on reviewing complaints and evidence, on addressing questions and requests, on interpreting and amending existing rules, on reviewing communiqués to be sent to candidates and members. This count does not include the time spent by the Membership Coordinator and the Staff Representative for the administration of the election and the guidance to assist the Election Committee in the fulfillment of their duties. At least six conference calls were held, with a total of about 10 hours spent on these calls for each of the committee members and either one or both CMG staff.

## Decision on the election guidelines

The Election Committee reviewed the guidelines for candidates and found that there are many loopholes. In order to close them, the Committee amended them. For example, the guidelines said that candidates could not use their employer-provided email accounts to send campaign material, but did say anything about said material being sent to employer-provided email

accounts of members. Also, the guidelines were not explicit about the use of CMG-paid content in campaign material. The amended guidelines would be explicit in that regard. Other loopholes pertaining to the use of social media, bulletin boards, access to workplaces, campaigning on CMG-paid business travel or CMG-sponsored social events were also addressed by the amended guidelines. The amended guidelines are in Appendix C of this report.

## Recommendations

The Election Committee makes 12 recommendations.

These recommendations seek to better protect the integrity of the democratic process.

### Review of election rules

The Election Committee reviewed the rules around national and branch elections. It believes that there is room for improvement to better protect this democratic process. Some of the recommendations require amendments to existing CMG bylaws, policies and guidelines.

Currently, the election policy states that the names of candidates “*should be posted on bulletin boards or websites etc. as their eligibility is confirmed by the elections committee.*”

Current CMG Bylaw 10.1 requires CMG National Executive Committee and Branch Executive Council election voting to be completed by December 10 in a general election year. The National Election Committee proposes choosing an earlier date, such that voting is completed no later than the third Monday in November. There are several reasons for this. The current date of December 10 sometimes makes it difficult for the National Election Committee to perform its duties, as work schedules and meeting availability can be impacted by the pending holidays. This would be enhanced should an actual election outcome be officially challenged, and could lead to a situation where the final outcome is unclear at the start of the new term on January 1. As well, some joint committees meet on specific dates in early December of each year. These meetings interfered with the electoral process in 2019 and the intent of the Committee’s recommendation is to avoid it from happening again in the future.

Further, the Bylaw states that the date should be set by the National Executive Committee rather than the National Election Committee. The National Election Committee views the current rule as a departure from its arm’s length operation and believes that this date rightfully should be set by the Election Committee itself.

#### Recommendation 1

The Election Committee recommends that the first sentence of Article 10.1a) of the CMG Bylaws be amended as follows: “*National and branch officers of the union shall be elected every three (3) years by secret ballot ending no later than ~~December 10~~ **the third Monday in November** on a date set by the **NEG National Election Committee.***”

[Appendix D]

Current CMG Bylaws pertaining to the National Election Committee provide little guidance as to how the Committee is to address complaints brought to it during an election. In particular, while

there is some process specified for challenges to actual election outcomes, there is little information as to how to address complaints that arise during the campaign and election period itself. The Committee therefore makes the following recommendation.

## Recommendation 2

The Election Committee recommends that Article 10.1h) of the CMG Bylaws be amended to add the following language: “***Should a complaint be upheld, the matter will be addressed with the candidate(s) involved to correct the situation. Should the Committee be unable to resolve the matter directly with the candidate (e.g. candidate refusal to comply with an order from the Committee) then the matter will be referred to the President of CWA/SCA Canada.***” [see Appendix E]

The Election Committee also reviewed the Election policy. Although it believes it is a fairly good document, it also believes that a few changes may be needed, especially around the release of names during the call for nominations and the candidates’ profiles. On the release of names, the election policy stipulates that “[c]andidates’ names should be posted on bulletin boards or websites etc. as their eligibility is confirmed by the elections committee.” The Election Committee does not agree with the release of the names of candidates before the end of the call. Instead of getting candidates willing to run for the position they want to run for, the Guild may end up with candidates who will run for vacant positions to make sure to get elected. Furthermore, it is difficult for the committee to review the nomination forms as they are received, but easier to review them once the nomination period is over. During the 2019 national elections, the committee instructed the National office to keep the nomination forms until the end of the nomination period and only reviewed them after the period was over, despite queries from members asking for the release of candidates’ names. The Election Committee firmly believes that the democratic process is better served by candidates running for office than candidates getting acclaimed because they were the single candidate for a vacant position.

## Recommendation 3

The Election Committee recommends that the election policy be amended as follows: ***Candidates’ names should be posted on bulletin boards or websites etc. at the end of the nomination period, once as their eligibility is confirmed by the elections committee***

## Access to CMG boards

The Committee received complaints pertaining to posters being placed on CMG bulletin boards at the CBC-Toronto location which were in breach of the candidates’ Code of conduct and/or the Elections Guidelines. The complaints were supported by pictures of the posters on top of campaign material from the Our Union slate on boards that are similar to those found at the CBC-Toronto location.



The Committee took action when it received the complaints and took steps to check boards in that location. The Committee could not confirm that these posters were in fact posted, since the National Election Committee did not find any poster when it investigated later the same day it received the complaint, nor could the National Election Committee confirm who posted the inappropriate material.

However, the National Election Committee did notice that none of the CMG boards have locks in that location. Furthermore, it appears that CMG boards in many locations across the country don't have locks.

Therefore, the Guild, its Branches and its Locations units have very little control on the content posted on or removed from these boards, although they are clearly identified as CMG boards. This becomes critical during campaigns, when campaign material may be posted on them.

#### Recommendation 4

The Election Committee recommends that locks be installed on all CMG bulletin boards in all branches and location units, especially in larger locations and branches.

### Access to members' personal data

During the course of the campaign, two candidates made the National Election Committee aware of a membership list which was anonymously shared with them. Furthermore, it also became aware that, in the past, candidates had access to membership lists. These lists would include membership numbers and personal information. The list that was sent to the National Election Committee appeared to have been exported from the CMG membership database about 24 to 36 months prior to the 2019 elections.

Due to the technical nature of the complaint, and lack of detailed information, the National Election Committee lacked capacity to investigate further. Also, since the National Election Committee did not receive complaints from members being contacted "out of the blue", it made the decision to no longer pursue the investigation.

However, the fact that candidates had access to these lists and the database meant that they had access to the personal information and membership numbers of individual members, which could have been detrimental to the fairness of the electoral process, would have been a breach of the candidates' Code of Conduct and/or the Election Guidelines, and would have been a breach of the applicable legislations/regulations pertaining to privacy, the protection of personal information and email communication. Also, because of the access to the membership numbers, and because of these numbers being necessary to the electronic voting process, the National Election Committee had to make the decision to change the voting procedure. This change will be addressed in the next section of the report.

## Recommendation 5

The Committee recommends that CMG reviews its procedures in regards to the access and use of its membership database. It further recommends that safeguards be put in place to better protect the personal information of CMG members, including the interdiction to export data from the database, to share membership lists to non-CMG accounts and to access the database by non-staff representatives.

## Recommendation 6

The Committee recommends that the membership numbers of CMG members be only accessible to a very limited number of CMG staff, including the Membership Coordinator and the Associate Staff Representative.

## Integrity of voting process

Early in the 2019 election, many members expressed concerns about the integrity of online voting. The Election Committee agreed and made changes to how members would sign in to cast their votes. This change was made because membership lists, with names and membership numbers, had been shared between members in the past. Instead of a password generated using their names, each member would get a randomized 6-digits password that would be communicated to them via an email sent to their personal email address. The Election Committee strongly believed this change would ensure the integrity of the voting process, without making it more difficult for members to cast their votes. No complaints were received from members related to this change.

## Recommendation 7

The Election Committee recommends that the changes to the online voting sign-in process, meaning the membership number and the randomized 6-digits password sent to each member's personal email address, must be continued to ensure the integrity of the voting process.

## Communication from the National Office

The Election Committee had to review one communication that the CBC Branch wanted to send to its members pertaining to the Hours Averaging Agreement. The communiqué was reviewed, and the Committee ruled that there was a need for CMG to send the communiqué during the elections because many members were asking questions on this particular matter, and because the content of the communiqué was objective and was not favourable to any candidate.

## Recommendation 8

The Committee recommends that communications of the CMG National office to its membership be kept to a minimum during the election campaign, especially during the

voting period. If incumbents deem information to be essential and urgent the committee recommends that communications be reviewed by the Election Committee prior to its release.

## Review of the Election Committee

The Election Committee, with regards to its experience during the 2019 national elections, has found five main areas of improvement which we believe need to be reviewed. Our suggestions, we believe, will allow the committee to function in a more robust way and allow for members of the National Election Committee to respond in a more timely fashion to the influx of complaints and questions which we encountered through the campaign.

The structure of the National Election Committee is small at three members, however we believe that number is an agile and responsive number. Considering that consensus or simple majorities are needed in most, if not all, cases which are brought forth, it is our belief that this size remain as-is.

### Recommendation 9

The Committee recommends that a chairperson position be created within the National Election Committee to aid in the coordination of the work of Committee members.

The National Election Committee found that, considering the distance, time and scheduling involved in coordination of members' schedules, responses on resolutions occupied more time than expected, although once able to give our inputs, we came to decisions rapidly. It would frequently take more than a week to assemble evidence, conduct inquiries and then come to a decision while everyone was in the normal conduct of their duties to their employers.

It is our belief that the following recommendation will enable the National Election Committee to mobilize and respond with agility to questions, complaints and accusations with regard to the election process.

### Recommendation 10

The Committee recommends that during a general election cycle Committee members be granted a union release of two half-days per member each week, with specific dates to be determined by members in a consultative and collaborative engagement.

Resolved complaints and accusations made during the course of the election campaign were all dealt with and the National Election Committee issued several recommendations and requests when complaints were found to be substantiated. Complaints were elaborated upon and proven or disproven through respondent admission, documentary proof, investigation by National Election Committee members or complainants or combinations of all the above. However, there were some limited complaints which were only suspicions and rumour. The National Election

Committee believes that it is an important step to remind all parties and stakeholders involved in our democratic processes that all complaints must be made with some form of evidence.

### Recommendation 11

The Committee recommends that complainants be required to provide evidence to support their complaint.

Powers granted to the National Election Committee are presently in an unclear and undefined state, with the means to resolve complaints and accusations being largely left to the good will of candidates. We believe that this leaves a credibility gap wherein a standing committee charged with oversight of a workplace democratic process has no ability to compel responses, order actions and does not provide adequate disciplining tools in order to maintain the credibility of our process.

If the National Election Committee is to be able to respond and enforce rules which bind and protect all our membership, including candidates for elected positions, we have identified several items which may serve to enhance the capability of the National Election Committee, namely:

Investigative abilities – To what extent may the National Election Committee ask for evidence, proof and documentation to support or refute allegations made during the course of an election campaign? At what point may the National Election Committee demand or compel from complainants and respondents to move a file forward?

Disciplinary abilities – To which body can respondents be referred to in the case of egregious, corrupt or abusive behaviour on the campaign? Neither the National Election Committee, nor the Guild currently has a mechanism to compel the repayment of Guild funds, to disqualify or to otherwise censure bad actors in a campaign. The status quo of the National Executive Committee being the appellate body to challenges of the National Election Committee rulings can be seen as a conflict of interest when National Executive Committee members are standing for reelection.

### Recommendation 12

The Election Committee recommends that, should it be unable to resolve egregious violations of the rules or codes of conduct during an election campaign, the matter be referred to CWA-Canada. The Committee further recommends informing candidates of the CWA-Canada complaint process.

## Appendix A: List of recommendations

1. Recommendation 1

The Election Committee recommends that the first sentence of Article 10.1a) of the CMG Bylaws be amended as follows: “*National and branch officers of the union shall be elected every three (3) years by secret ballot ending no later than ~~December 10~~ **the third Monday in November on a date set by the NEGNational Election Committee.***”  
[Appendix D]

2. Recommendation 2

The Election Committee recommends that Article 10.1h) of the CMG Bylaws be amended to add the following language: “***Should a complaint be upheld, the matter will be addressed with the candidate(s) involved to correct the situation. Should the Committee be unable to resolve the matter directly with the candidate (e.g. candidate refusal to comply with an order from the Committee) then the matter will be referred to the President of CWA/SCA Canada.***” [see Appendix E]

3. Recommendation 3

The Election Committee recommends that the election policy be amended as follows: *Candidates’ names should be posted on bulletin boards or websites etc. **at the end of the nomination period, once as their eligibility is confirmed by the elections committee***

4. Recommendation 4

The Election Committee recommends that locks be installed on all CMG bulletin boards in all branches and location units, especially in larger locations and branches

5. Recommendation 5

The Committee recommends that CMG reviews its procedures in regards to the access and use of its membership database. It further recommends that safeguards be put in place to better protect the personal information of CMG members, including the interdiction to export data from the database, to share membership lists to non-CMG accounts and to access the database by non-staff representatives.

6. Recommendation 6

The Committee recommends that the membership numbers of CMG members be only accessible to a very limited number of CMG staff, including the Membership Coordinator and the Associate Staff Representative.

7. Recommendation 7

The Election Committee recommends that the changes to the online voting sign-in process, meaning the membership number and the randomized 6-digits password sent to each member’s personal email address, must be continued to ensure the integrity of the voting process.

8. Recommendation 8

The Committee recommends that communications of the CMG National office to its membership be kept to a minimum during the election campaign, especially during the voting period. If incumbents deem information to be essential and urgent the committee recommends that communications be reviewed by the Election Committee prior to its release.

9. Recommendation 9

The Committee recommends that a chairperson position be created within the National Election Committee to aid in the coordination of the work of Committee members.

10. Recommendation 10

The Committee recommends that during a general election cycle Committee members be granted a union release of two half-days per member each week, with specific dates to be determined by members in a consultative and collaborative engagement.

11. Recommendation 11

The Committee recommends that complainants be required to provide evidence to support their complaint.

12. Recommendation 12

The Election Committee recommends that, should it be unable to resolve egregious violations of the rules or codes of conduct during an election campaign, the matter be referred to CWA-Canada.

The Committee further recommends informing candidates of the CWA-Canada complaint process.

# Appendix B: Motions of the NEC and Response of the Election Committee

From: Kamala Rao  
Sent: November 24, 2019 10:01 AM  
To: Harry Mesh; giordano; Thomas Cramer; Olivier Roy <olivier@cmg.ca>; Glenn Seymour <gs@cmg.ca>  
Cc: Jordanna Lake ; Andrea Sellinger  
Subject: New CMG NEC Motions for CMG Elections Committee (Election Rules and Guidelines, Status of Independent Freelancers)

Hello CMG Elections Committee -

As Chair of the CMG National Executive Committee (NEC), I am conveying the following motions and information from the NEC to you.

The CMG NEC met this past Thursday, Friday, and Saturday (November 21, 22, 23) and passed the following:

Discussion regarding Election rules and conduct:

MOTION: Be it resolved that the NEC as a whole requests the Election Committee to notify all members running in the current election for National and CBC/SRC Branch positions that there is a CMG Code of Conduct and Guidelines for Candidates that need to be followed and to send them ALL a copy of said documents. And that the Election Committee also remind all candidates that the use of corporate email is forbidden and by extension all corporate social media sites.

Moved By: Nathalie Bastien  
Seconded: Darren Gonsalves  
Carried Unanimously

Discussion regarding status of Independent Freelancers

MOTION: BIRT The CMG NEC shall provide the CMG Election Committee with the legal opinion prepared by CMG's legal counsel in order to assess and determine whether Independent Freelancers should vote at all in the upcoming CMG Election.

Moved: Jonathan Spence  
Second: David Horemans  
Carried Unanimously  
Please find the relevant documents attached.

With best wishes, in solidarity -  
Kam

Kamala Rao

President | Présidente  
Canadian Media Guild | La Guilde canadienne des médias  
Local 30213, CWA Canada, NewsGuild-CWA (Communications Workers of America)  
La Local 30213, SCA Canada, NewsGuild-SCA (Syndicat des communications d'Amérique)  
www.cmg.ca | www.laguilde.ca

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To: Kamala Rao; Benjamin Vachet; Carmel Smyth; Darren Gonsalves; David Horemans; Jerome Atangana; Mike Blanchfield; Nathalie Bastien; carastern; Terry Pedwell; Jonathan Spence; Jordanna Lake; Freelance Director; Bruce Spence  
Cc: giordano; Thomas Cramer; Olivier Roy <olivier@cmg.ca>; Glenn Seymour <gs@cmg.ca>; Jordanna Lake; Andrea Sellinger  
Subject: Re: New CMG NEC Motions for CMG Elections Committee (Election Rules and Guidelines, Status of Independent Freelancers)

Hello NEC Members:

The Election Committee acknowledges receipt of these two motions. We would like to provide a general view of this process, before addressing the motions individually. We wish to note that the Election Committee has always functioned, by necessity, as an arm's length body. This helps assure unbiased and fair elections, not unduly influenced by any members currently holding office. The committee is to be set up and operate as a standing committee of the NEC, and be responsible for the conduction of both general elections and by-elections at the Branch Executive and National Executive when they are required. Their mandate is to ensure these elections are conducted in accordance with existing Bylaws and Policies at all the appropriate levels.

It is highly unusual and rather inappropriate for the Committee to receive instruction from the NEC in the midst of the Election cycle. It is especially concerning when one of the motions is moved by a current candidate, and we have not been informed whether other candidates for position voted or they abstained. We express caution that candidate involvement in these motions could be seen as interfering in the election process and could have the potential to lead to challenged outcomes.

Addressing the motions separately:

1. An email reminding candidates of the Candidate Guidelines and the Code of Conduct has been sent today. Current Policy and Bylaws do not prohibit sending email to employer email addresses. The Policy states: "In the conduct of campaigns, candidates: -May not use their Employer e-mail accounts to send campaign materials and messages..." The Committee recognizes the danger in sending to employer emails, and that employer policies often prohibit doing so. Although we obviously discourage it, it is not enforceable under current rules.
2. The Committee is concerned that we were not involved in the discussion with the legal firm pertaining to the voting question. In fact, in keeping with the "arm's length" role of the Committee, the NEC should have requested the Committee itself seek legal clarity of the question at hand, if that was the desired approach. In spite of that we have reviewed the legal opinion pertaining to the voting rights of Independent Freelancers. We note that the legal opinion addresses the rights of the group to vote under CMG Bylaws and CWA/SCA Canada Constitution. We also note that the legal opinion defines whether they have a legal right to vote but does not preclude them from voting should CMG decide to allow it. We also note that the President of CWA/SCA Canada provided the Election Committee with a differing point of view: "Under the CWA Canada and CWA Constitutions, all dues-paying members are eligible to vote in elections from the Local to the national and international level. So, CMG Freelance members are fully eligible to vote in the current CMG election. "



As the Election Committee, we are also bound by the existing relevant CMG Policies. These Policies did not form part of the legal review and therefore our view will differ somewhat from the law firm. Quoting from the existing CMG Election Policy:

“Voter eligibility: Unless more restrictive eligibility rules are set up (e.g. in certain strike or ratification votes) and subject to any geographical or branch-specific restrictions that may be in place for a particular vote, any Guild member in good standing is entitled to vote. A Guild member in good standing is defined as a person who is currently paying dues and who has completed a CMG membership application card.”

So, we accept the NEC’s position that the Independent Freelancers cannot vote for the Freelance Branch “subject to ...branch-specific restrictions...” Those restrictions put in place by way of motion from the NEC, defining the Freelance Branch membership as only being open to CBC Freelancers, clarifies that. However, the Committee’s position on voting for NEC positions is guided by the rest of this paragraph, “...any Guild member in good standing is entitled to vote...” By definition, those Independent Freelancers will at time of vote still be “Guild member(s) in good standing” assuming dues are up to date.

It remains the view of the Committee that Independent Freelancers in good standing can vote for the appropriate NEC positions as outlined in previous correspondence. In fulfilling our role as a neutral body, and in keeping with current policies, we intend to proceed on that basis.

As a final note, the Committee is greatly concerned over the position we find ourselves in pertaining to this Freelancer question. Such matters should have been resolved well ahead of the call for nominations, including time for discussion, debate, challenge and appeal if necessary. This matter puts the Election Committee in a very difficult position and forces it to make a decision based on assumptions and conflicting evidence. The Committee recommends that such changes be made well ahead of the election in the future.

Regards

Harry Mesh, on behalf of the Election Committee

# Appendix C: Guidelines for candidates

[new language in bold]

These guidelines were adopted by the elections committee on March 21, 2012 to ensure common ground rules for CMG elections.

In the conduct of their campaigns, candidates:

1. may not use their Employer e-mail accounts to send campaign material or messages
2. **may not send email campaign material or messages to Employer email accounts**
3. may not use the CMG logo in any campaign materials or copy the Guild's graphic design in a manner that could lead anyone to think it is an official Guild document or website
4. **may not use photos of official CMG functions or events for any campaign purposes, including in campaign literature or on social media.**
5. **shall ensure that any social media account being used for campaign purposes be immediately and clearly distinguishable as such, and leave no confusion or doubt that it might be an official CMG account.**
6. may not use any information (e.g., member e-mail lists) that they may have had access to in the course of other CMG work. This also applies to social media accounts that belong to CMG.
7. must follow both the Guild's **Code of Conduct and Conflict of Interest Policy, as well as** collective agreement language regarding respect in the workplace, where applicable
8. shall conduct their campaigning activities in the workplace in compliance with their collective agreements (e.g., union access to premises provisions)
9. **shall have no more than one campaign poster on any workplace CMG bulletin board. Only candidate posters will be allowed (i.e. no posters of support or opposition to candidates). Posters shall not be placed in such a way to obstruct the view and/or legibility of other campaign posters.**
10. shall, prior to any in-person campaigning in a workplace, consult with the appropriate CMG Staff Representative in order to ensure that such campaigning is in keeping with applicable employer rules and collective agreements, and that proper permission is obtained where required.
11. are responsible for the actions of anyone they recruit to help them with postering, campaigning etc.
12. may not campaign at official Guild meetings, on memos, communiqués or messages. This also applies to social media accounts that belong to CMG.
13. **shall not campaign while travelling on CMG business, where such travel is paid for by CMG. All non-urgent CMG paid travel by candidates will be completely avoided during the campaign period. The Election Committee will be consulted on any planned CMG paid travel by candidates considered urgent during this time. Should a candidate wish to campaign while on such business, they shall pay in full the costs of such travel. The National Election Committee shall be notified in advance of such arrangements.**
14. shall not campaign at any CMG sponsored social events.

**Nothing in CMG Bylaws or Policies prohibits groups of 2 or more like-minded candidates from supporting each other, by running as a "slate" of candidates. Debates are permitted for**

**any contested CMG position. They may be arranged by either one or more candidates, or other groups of members eligible to vote for the particular position. The participation of candidates in debates is voluntary. The National Election Committee will not organize debates, but can be consulted should any concerns arise and will aim to ensure that any debates that take place are fair and objective.**

# Appendix D: Bylaw Proposal - Article 10.1a)

## Rationale

Current CMG Bylaw 10.1 requires CMG National Executive Committee and Branch Executive Council election voting to be completed by December 10 in a general election year. The National Election Committee proposes moving this date forward, such that voting is completed no later than the third Monday in November. There are several reasons for this. The current date of December 10 sometimes makes it difficult for the National Election Committee to perform its duties, as work schedules and meeting availability can be impacted by the pending holidays. This would be enhanced should an actual election outcome be officially challenged, and could lead to a situation where the final outcome is unclear at the start of the new term on January 1. As well, there are some joint meetings with management that occur on a regular basis during early December and could provide an unfair campaign opportunity for existing committee members.

Further, the Bylaw states that the date should be set by the National Executive Committee rather than the National Election Committee. The National Election Committee views the current rule as a departure from its arm's length operation and believes that this date rightfully should be set by the Election Committee itself.

## Proposed Amendment

### **ARTICLE 10 – NATIONAL ELECTIONS**

#### 10.1

a) National and branch officers of the union shall be elected every three (3) years by secret ballot ending no later than ~~December 10~~ **the third Monday in November** on a date set by the ~~NEC~~ **National Election Committee**. With the exception of the Branch representatives, NEC officers shall be elected by an at-large vote of the membership of the CMG. Branch officers shall be elected by and from within the membership of their Branch. The NEC and Branch Executive Councils take office on January 1, following the election.

# Appendix E: Bylaw Proposal - Article 10.1h)

## Rationale

Current CMG Bylaws pertaining to the National Election Committee provide little guidance as to how the Committee is to address complaints brought to it during an election. In particular, while there is some process specified for challenges to actual election outcomes, there is little information as to how to address complaints that arise during the campaign and election period itself. The Committee therefore proposes amending Article 10.1.h (paragraph one) to read as follows.

## Proposed Amendment

### **ARTICLE 10 – NATIONAL ELECTIONS**

#### 10.1.h.

The National Election Committee handles and decides all questions concerning the conduct and challenges of elections. It will investigate all complaints about candidate behaviour in a timely manner. **Should a complaint be upheld, the matter will be addressed with the candidate(s) involved to correct the situation. Should the Committee be unable to resolve the matter directly with the candidate (e.g. candidate refusal to comply with an order from the Committee) then the matter will be referred to the President of CWA/SCA Canada.** Any challenge to the conduct of an election must be filed within ten (10) working days of the tentative certification of the results. The committee must rule on any such challenges and must within twenty (20) working days of the tentative certification of the results make a final determination or certification.