

Charges, Trials, and Appeals under the BCFMWU Constitution

All members have the right to press charges under the BCFMWU Constitution. However, pressing charges is a very serious matter, and should not be done without a full understanding of the process outlined in Article 6 of the Constitution, and solid evidence of a breach listed in Article 6, Section 1.

Before pressing charges, you should also know that if your charges are determined to be frivolous and/or vexatious, or you have pressed unfounded charges repeatedly, you may face serious consequences.

You Want to Press Charges

After careful consideration, you decide to press charges. Here is what you need to know:

- You have the right to a representative.
- You have 60 days to press your charges from when you learn of the alleged breach of the Constitution. These charges must be addressed to the Provincial President. If the President is named, you may file with another Provincial Executive Officer (see Article 9, Section 3). If all Provincial Executive Officers are named, you may send it to the Office care of the Executive Director, who will send your charges directly to an Arbiter.
- Any charge you submit must:
 - Be in writing
 - Be signed by you
 - State in a specific and clear manner the facts giving rise to the charge
 - Identify the specific Articles of the Constitution, Bylaws or Policy allegedly being violated.
- The first test of your charge is a *prima facie* (or first sight) assessment of your charge. This process simply assess if what you say amounts to charge under the Constitution. You have the right to appeal, but launching an appeal may result in cost recovery against you if unsuccessful.
- If the charge goes to trial, an Arbiter appointed per Article 6, Section 2 of the Constitution will contact you, and that Arbiter be responsible for laying out the trial process. You are advised to be respectful and responsive to this person.
- If you think the outcome of your trial was unjust, you can appeal by writing the President within 30 days of the decision. This appeal will then be heard by the Provincial Executive, and will require a 2/3rds majority vote. If your appeal is successful, it will be referred to a new Arbiter for a final decision. However, you should note that if you aren't bringing new evidence, or pointing out a major flaw in reasoning or law, your appeal is unlikely to succeed.
- In this process, you have the right to pursue any complaint against your Union at any time under Section 10 of the Labour Code. However, such complaints are unlikely to proceed unless you've exhausted the processes in laid out in the BCFMWU Constitution first.

You are Facing Charges

You have received notice of charges pressed against you. Here is what you need to know:

- You have the right to a representative.
- If you believe the charge was frivolous, vexatious, or part of repeated unfounded charges against you, you have the right to press counter charges per Article 6, Section 1(a)xix. If the charge against you is proceeding and you wish to pursue counter charges, you must file your counter charges 10 business days prior to the start of the trial.
- If a *prima facie* (or first sight) case against you has been accepted, you have the right to an appeal, but launching an appeal may result in cost recovery against you if unsuccessful.
- If the charge goes to trial, an Arbiter appointed per Article 6, Section 2 of the Constitution will contact you, and that Arbiter will be responsible for laying out the trial process. You are advised to be respectful and responsive to this person.
- If you think the outcome of your trial was unjust, you can appeal by writing the President within 30 days of the decision. This appeal will then be heard by the Provincial Executive, and will require a 2/3rds majority vote. If your appeal is successful, it will be referred to a new Arbiter for a final decision. However, you should note that if you aren't bringing new evidence, or pointing out a major flaw in reasoning or law, your appeal is unlikely to succeed.
- In this process, you have the right to pursue any complaint against your Union at any time under section 10 of the Labour Code. However, such complaints are unlikely to proceed unless you've exhausted the processes in laid out in the BCFMWU Constitution first.

*The above is a guide only. You should always consult your BCFMWU Constitution, which is the governing document of the BCFMWU.