

# International Association of Sheet Metal, Air, Rail and Transportation Workers

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**Joseph Sellers, Jr.**  
General President

By Email

March 26, 2020

To All Canadian SMART Local Union Business Managers

Re: Conducting Local Union Business During the COVID-19 Pandemic

Dear Sirs and Brothers,

The COVID-19 pandemic has posed significant and unprecedented challenges for our local unions. Federal and Provincial authorities are issuing maximum gathering sizes, shutting down services and instituting "shelter in place" orders. As we continue to observe unique conditions across both of our countries, it is clear to me that one size does not fit all. I am issuing this guidance in response to questions locals have about conducting union business during this uncertain time and in response to those issues that may appear in your local union or your area. I advise that you consult with your local union counsel for municipal and provincial law distinctions.

Local union elections. Election season under the SMART Constitution and local union bylaws is approaching fast for many SMART local unions. Nominations and elections of officers have traditionally taken place in person in SMART local unions and most of the rest of the labour movement. Elections are of course very important as they are the main opportunity for the members to decide the direction of the union. But it is not wise at this time for the members to gather together in numbers. In many places, doing so would violate health-protection orders.

In light of these concerns, the International Association advises local unions that they do not need to hold nominations and elections as prescribed in the Constitution and their bylaws until they are able to do so in the usual way. Where a local union holds elections at a later date due to the health crisis, the terms of office for the successful candidates shall not run past when the elected candidate is installed at a regular or special called meeting following the June 2023 election.

A local union may proceed with its election if it wants and is allowed to do so by applicable orders from municipal, provincial, and/or federal governments. Please note that local unions are still required to send a notice of nominations and elections in accordance with



Article 12, Section 5 of the SMART Constitution. Please send a copy of these notices to your International Representative.

Membership Meetings. I hereby authorize all SMART local unions to suspend their regular membership meetings from now until the June, 2020 meeting. I may extend this authorization if the crisis conditions persist in late May. Local unions may hold their membership meetings if they wish and should note that the SMART Constitution allows these meetings to be conducted by video. However, this authorization not to hold membership meetings does not relieve local unions from their obligation to obtain proper approval of their actions, especially expenditures. Local unions must still comply with the requirements in their bylaws and the SMART Constitution that require membership approval. But it is not necessary under the SMART Constitution to have an in-person meeting. A local union may use electronic means such as online polls or texts. When using these alternative means, the local union must take care to give the opportunity to vote to as many members as possible.

Negotiations and Ratification. I advise that whenever possible, negotiations should be postponed by mutual agreement. The local should consider whether the postponement should be on a month-to-month basis, based on the existing conditions. This is both for health reasons and because of the difficulty of making long-range decisions in the midst of such uncertainty. If negotiations must proceed, then they should be conducted safely: either electronically or in small groups with appropriate sanitation and spacing. If your local union invites members to suggest proposals for negotiations, this should be done by telephone or other electronic means such as email and texts.

Ratification votes must be conducted in accordance with any provincial requirements in your jurisdiction. Local unions may consider mail, online polling, or other electronic means well-calculated to reach the most members possible if you elect to hold a ratification vote or are required to do so by law. If ratification is a legal requirement in your jurisdiction, you should make sure that electronic means are approved for this purpose before you use them.

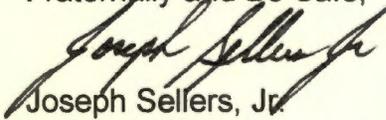
Any tentative agreement reached in negotiations should have a specific date when changes in contract provisions become effective even if ratification takes longer than usual or is delayed because of the crisis. But this is not true of any concessions (or Resolution 78 relief granted outside of the collective bargaining agreement) made to contractors, which may occur in some areas due to the impact of the crisis.

Staff Reductions. Some local unions will be forced to reduce staff in order to bring their finances into balance. These reductions may include not only clerical, accounting and appointed staff, but also elected positions. Because of the sensitivity of laying off elected union officials, this may only be done in accordance with Article Twelve, Section 2(b) of the SMART Constitution (attached). The membership approval required by this section must still be obtained but this can be done through the same methods as for ratification of collective bargaining agreements. The decision who to lay off must be supported by objectively valid reasons, not politics or favoritism. The General President's approval is

required for the layoff of elected union officials and the circumstances in each case will be examined carefully. An alternative to a complete lay off is a reduction in hours, including a rotation of staff, either in specific positions or across the board. As always, service to the members must be the paramount consideration. Local unions should consult with their legal counsel to ensure compliance with provincial laws regarding layoffs and reduced work hours, and to obtain clarity on issues such as entitlement to severance pay.

In closing, together we will endure the stress and anxiety of this pandemic. We will use our combined knowledge and shared expertise to aid our members and each of you, our leadership across Canada and the United States. If you have any questions about the above guidance, please contact your International Representative. Most importantly, we hope that you and your families are safe and healthy.

Fraternally and Be Safe,



Joseph Selfers, Jr.  
General President

JS/tsl

cc: J. Powell  
M. Coleman  
D. Silverman  
J. Jackson  
C. Paswisty  
Directors

Enclosure: SMART Constitution Article 12, Section 2(b)