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KNOW YOUR RIGHTS AS A UNION MEMBER!

As a member of IBEW Local 46, your voice matters, and your rights are protected as a union member—but do you truly know the extent of the federal labor law protections you are afforded in that capacity? In today's rapidly evolving labor landscape under the current political administration, understanding the precise boundaries of your rights under the Labor-Management Reporting and Disclosure Act (“LMRDA”) isn't just advisable, it's essential for safeguarding your interests and ensuring meaningful participation in your union.

While the LMRDA provides robust protections for core union activities like elections, union membership meetings, and voting in union election, many members are surprised to learn that these protections have specific limits, particularly regarding committee participation and activities outside of IBEW Local 46's general membership meetings. This critical update will clarify exactly what rights you possess under federal law, where those rights begin and end, and how IBEW Local 46's Constitution and Bylaws govern the areas beyond the LMRDA's reach. Armed with this knowledge, you'll be better equipped to exercise your rights effectively, engage appropriately in union activities, and understand the framework that governs all aspects of your union membership—from the union meeting hall to standing committee rooms and beyond.

Attached to this newsletter is a copy of the United States Department of Labor's Office of Labor-Management Standards flyer titled, ***Union Members: Know Your Rights***. This flyer describes the union Bill of Rights as follows:

- Equal rights to participate in union activities;
- Freedom of speech and assembly;
- Voice in setting rates of dues, fees, and assessments;
- Protection of the right to sue; and
- Safeguards against improper discipline.

These rights are broad—but not unlimited.

IBEW Local 46 observes and is bound to faithfully adhere to the IBEW Constitution, our Union also has its own organic set of local rules which guide this organization above and beyond the IBEW Constitution. These sets of rules are called Local Bylaws. Bylaws are created, maintained and amended by IBEW Local 46 members at Union membership meetings. Changes to Local Bylaws must be approved by the IBEW International Office and cannot contradict the IBEW Constitution.

Pursuant to the IBEW Local 46 Bylaws and IBEW Constitution, most standing and ad hoc committees of IBEW Local 46 serve at the leisure of the Union President. The President maintains the power (and sole discretion) to appoint committee members and committee chairs (when that position is not filled by an internal committee election), to remove committee members from a committee meeting, to revoke member's committee membership entirely, or just plain replace appointees to an IBEW Local 46 committee, when asked to do so by committee leadership.

Contrary to some of the second-hand information currently circulating within IBEW Local 46, a member's committee membership and/or limitations on committee participation are NOT subject to the LMRDA's same strict notice and due process requirements as those called for during general membership meetings, officer elections, and when a member is being brought up on formal disciplinary charges.

The LMRDA's "equal rights" protection for members can be found in 29 USC § 411(a)(1), which guarantees the following:

Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings, and to participate in the deliberations, and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and bylaws.

This provision limits the definition of "union activities" to at-large membership elections, general membership meetings, and voting in union elections.

Each union member's right to "freedom of speech and assembly" is enumerated in 29 USC § 411(a)(2):

Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views, upon candidates in an election of the labor organization or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings: Provided, That nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

This provision limits a member's rights to speak and assemble under the LMRDA to general union meetings and union officer elections. The LMRDA's "safeguards against improper discipline" are listed in 29 USC § 411(a)(5) and provides:

No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined except for nonpayment of dues by such organization or by any officer thereof unless such member has been (A) served with written specific charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing.

Courts have interpreted “actions deemed disciplinary” to include union members being fined, suspended, and/or expelled from their union membership. The same is not true when it comes to a union member’s voluntary committee membership in a group within the IBEW Local 46 community.

It is imperative to note that voluntary committee membership and participation in committee sponsored events are not similarly protected by the LMRDA’s Union Member Bill of Rights. Equal participation in union activities guarantees only participation in official union business, such as internal elections and voting, not voluntary committee participation. Voluntary committee membership—like serving on a standing committee or an affinity group—is NOT considered union activity under the LMRDA in the same way general meetings and elections are. Removal from a committee or limits on committee participation do NOT trigger the formal due process protections required for disciplinary actions that threaten your union membership itself.

It stands to reason that “discipline” within the LMRDA context, has not been interpreted by the Courts to include a member’s removal from committee membership or limitations on participation in committee-sponsored events. Understanding this crucial distinction is important.

As most members will attest, IBEW Local 46 plays an instrumental role supporting the greater IBEW-good by training a skilled electrical workforce for future generations, negotiating for better wages and benefits for its members, as well as promoting safety and quality on all projects where IBEW Local 46 electricians are working hard for an honest’s day pay. But more importantly, IBEW Local 46 plays a crucial role in fostering safe and inclusive work environments that support the entire community at large; not just those within the building trades. A big part of IBEW Local 46’s contributions to the greater IBEW-good are made through our union members’ voluntary participation and membership in various affinity groups and niche-chartered committees.

Traditional union principles of collective action for collective good, fair treatment for all, and a meaningful voice for all workers are core to who we are as IBEW members. But the ways in which each member may seek to realize those beliefs can be drastically different. While this may seem to be a recipe for internal conflict amongst the membership as a whole, it actually allows members to find their own purpose and niche within our Union.

Here at IBEW Local 46, we believe our membership's diversity to be one of our Union's greatest strengths. Our members have varied, and sometimes contradictory, lived experiences, who also represent a diverse range of ideological beliefs and political affiliations. While these differences may create opportunities for those with conflicting opinions or beliefs to vehemently disagree with one another, the conflict and debate those opportunities create can also serve as the catalyst to move our union into the future. At the same time, it can also undermine the safety and support that certain segments of our IBEW family are desperately seeking.

Internationally, the IBEW represents more than 750,000 electrical workers in every branch of the electrical industry. Since its founding in 1891, the IBEW has dedicated itself to the well-being of electrical workers and their families and the achievement of continued progress on their behalf. Despite working towards this common goal of the greater IBEW-good, it is important to recognize that our IBEW Local 46 members are not homogenous. Our members are a collection of diverse people who are all working together to make jobsites safer and more hospitable for those who work in the electrical industry.

As such, IBEW Local 46's voluntary committees and affinity groups serve as a valuable and necessary forum and system of support for those marginalized groups within the greater IBEW community. However, committee service is a voluntary privilege and not a protected right under the LMRDA.

Each of the Local's individual committees and affinity groups has its own unique mission and values to help translate union principles and beliefs into real action that serve the greater IBEW constituents for which that committee or affinity group is dedicated to serving. These niche committees and affinity groups each foster a sense of camaraderie and belonging amongst their affinity constituents. To protect these spaces, the Local President has the authority to remove members from committees, revoke committee appointments, or replace committee members—sometimes at the request of committee leadership. While committee membership may not be federally protected in the same way that union elections or general membership meetings are, the Local's voluntary committees and affinity groups are vital to our Local's culture and outreach.

For those committees chartered through the IBEW International (such as the Veterans' Committee, Women's Committee, and RENEW), committee membership and participation are also subject to their own operating rules, specific to each committee's function, and/or stated purpose, mission, and values. For instance, with RENEW/NextGen, this chartered committee seeks to foster support for, and the development of the IBEW's leaders of tomorrow through mentorship. As for the Electrical Workers' Minority Caucus, Women's Committee, and Veterans' Committee, these niche committees ensure that every IBEW member has an opportunity to participate in supporting the greater IBEW-good, while also engaging with labor siblings who share

similar identities and/or lived experiences. The creation and protection of such safe spaces is necessary to foster a sense of belonging and promote mentorship in the building trades of otherwise marginalized groups.

Members wishing to learn more about voluntary membership and participation in one of the many committees and/or affinity groups of IBEW Local Union 46 should familiarize themselves with the internal operating rules and or governance records specific to that particular committee. For more information, please contact/visit your Direct Business Representative or Committee Liaison.

FINAL THOUGHTS:

IBEW Local 46 thrives on the diversity, experience, and dedication of its members. While we may not always agree on every issue, our collective commitment to solidarity, safety, and progress continues to guide us into the future. Committees and affinity groups - though voluntary—play a major role in that mission. By fully understanding your rights and responsibilities, you can help keep both our Local and its many voices strong.