

**BY-LAWS**

**OF THE**

**DURHAM REGION LABOUR**

**COUNCIL**

**CLC**

*(Chartered by the Canadian Labour Congress)*

**Motion to amend passed—February 15, 2017**  
**Approved by CLC Canadian Council—June 20, 2017**



Canadian Labour Congress

Congrès du travail du Canada

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## ARTICLE 1—NAME AND LOCATION

- Section 1.** This Labour Council shall be known as “**Durham Region Labour Council, CLC,**” and is chartered by the Canadian Labour Congress.
- Section 2.** This Labour Council shall consist of organizations which are affiliated to the Canadian Labour Congress.
- Section 3.** Such organizations shall be located in whole or in part within the area of the Regional Municipality of Durham.
- Section 4.** These organizations shall conform to the By-Laws, the rules and regulations of this Labour Council as set forth herein.
- Section 5.** This Labour Council shall not be dissolved while there are five (5) organizations remaining in affiliation.

## ARTICLE 2—PURPOSE

- Section 1.** The purposes of this Labour Council are:
1. To support the principles and policies of the Canadian Labour Congress.
  2. To promote the interests of its affiliates and generally to advance the economic and social welfare of workers.
  3. **(a)** To assist affiliated organizations in extending its benefits of mutual assistance and collective bargaining to workers.
  - (b)** To assist in the organization of the unorganized into a union for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are appropriate, equal and necessary as methods of union organization.

- 4.** To encourage all workers without regard to age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, receipt of public assistance (in housing only), record of offences (in employment only), sex (including pregnancy and breastfeeding), or sexual orientation, to share in the full benefits of union organization.
- 5.** To secure legislation which will safeguard and promote the principle of free collective bargaining, the rights of workers, and the security and welfare of all people.
- 6.** To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.
- 7.** To promote the cause of peace and freedom in the world and to assist and cooperate with free and democratic labour movements throughout the world.
- 8.** To aid and encourage the sale and use of union-made goods and union services through the use of the Union Label and other symbols; to promote the labour press and other means of furthering the education of the labour movement.
- 9.** To protect the labour movement from any and all corrupt influences and from any agencies which are opposed to the basic principles of our democracy and free democratic unionism.
- 10.** To safeguard the democratic character of the labour movement and to observe and respect the autonomy of each affiliated union.
- 11.** While preserving the independence of the labour movement from political control, to encourage workers to vote, to exercise their full rights and responsibilities of citizenship, and to perform their rightful part in the political life of the municipal, regional, provincial and federal governments.

## ARTICLE 3—MEMBERSHIP

**Section 1.** The Labour Council shall be composed of:

- (1) local unions, branches and lodges of national and international unions, regional and provincial organizations affiliated to the Canadian Labour Congress; and
- (2) local unions in the area chartered by the Canadian Labour Congress.

**Section 2.** Any organization affiliated with this Labour Council may be expelled from membership in the Council by a majority roll call vote at a meeting. Any decision to expel may be appealed to the Executive Committee of the Canadian Labour Congress within two (2) months. The decision shall be in force and effect during appeal.

- Section 3. (a)** Any delegate representing a local union affiliated with this Labour Council may be suspended or expelled, for conduct unbecoming a delegate, from membership in the Council by a majority roll call vote at a meeting. In such cases, the local union which the delegate represents will be notified and requested to replace the delegate. Any decision to expel may be appealed to the Executive Committee of the Canadian Labour Congress within two (2) months. The decision shall be in force and effect during appeal.
- (b)** Canadian Labour Congress Officers, Directors and Representatives shall be accorded all rights and privileges of delegates except the right to vote when they attend meetings of this Labour Council.
- (c)** Canadian Labour Congress Officers, Directors and Representatives are eligible as delegates, if holding a credential, and will have the same rights as delegates, including the right to vote.

**Section 4. (a)** It shall be the duty of each affiliated organization to furnish the Secretary-Treasurer of the Labour Council with the following:

**(i)** All official reports which deal with matters within the purview of the Labour Council.

**(ii)** Such other reports as will facilitate and make more effective the work of the Labour Council.

**(iii)** A statement of their membership in good standing.

#### **ARTICLE 4—MEETINGS**

**Section 1.** The regular meetings of this Labour Council shall be the governing body of the Council. Except as provided in Article 9, its decisions shall be by majority vote.

**Section 2.** The regular meetings of the Labour Council shall be held on the second (2nd) Tuesday of each month. Meetings shall commence at 7:00 P.M. sharp.

**Section 3. (a)** Special meetings of the Labour Council may be called by direction of the Executive, or on request of affiliated organizations representing a majority of the total membership of the Council as evidenced by the records of the Secretary-Treasurer.

**(b)** In the event a majority as provided in subsection(a) requests a special meeting, the Executive shall call such meeting within five (5) calendar days and shall give all organizations five (5) calendar days' notice of the time and place for holding the special meeting, together with a statement of the business to be considered at such meeting.

**(c)** Representation to special meetings shall be on the same basis as regular meetings.

**(d)** Except as provided in subsection(b), a special meeting shall exercise the same authority as regular meetings.

**Section 4. (a)** Representation at meetings shall be on the following basis: from affiliated local unions, branches and lodges, two (2) delegates for one hundred (100) or less members, and one (1) additional delegate for each additional one hundred (100) members or major fraction thereof, but no local union, lodge or branch shall be allowed more than eighteen (18) delegates.

**(b)** The organizations cited in Section 4(a) shall be entitled to an equal number of alternates based on the representation formula.

**Section 5. (a)** The number of members of each organization for the purpose of selecting delegates to the Labour Council shall be the average monthly number on which per capita tax is paid.

**(b)** In the event Officers of the Labour Council fail to call meetings or otherwise fail to carry out their duties and responsibilities, the Canadian Labour Congress shall take whatever measures necessary to reorganize the Council.

**(c) Obligations for Delegates**

All delegates to this Labour Council, before being seated shall come forward and clearly and audibly repeat the following obligation:

(with the right hand over the heart, the delegate repeats after the installing officer):

*“I, name, solemnly promise that I will support and obey the By-Laws of this Labour Council and the **constitution of the** Canadian Labour Congress.”*

**Section 6.** The Secretary-Treasurer shall furnish each affiliate with credential blanks which must be attested as required on the blanks and deposited at a regular Labour Council meeting before new delegates may be seated in Council.

**Section 7.** Any organization suspended or expelled by the Canadian Labour Congress or this Labour Council shall not, while under such penalty, be allowed representation in the Council. Any organization which is in arrears to the Council for per capita tax one (1) year or more shall not be entitled to recognition or representation in the Council.

**Section 8.** Any person suspended by or expelled from any organization affiliated to this Labour Council shall not be seated as a delegate.

**Section 9.** Members of the Executive Committee or the Canadian Council of the Canadian Labour Congress, representatives of national or international unions, shall be delegates *ex-officio* of the Labour Council and shall have a voice, but no vote, in the proceedings unless elected as delegates by a local labour body affiliated with the Council.

**Section 10.** Every two (2) years, the Labour Council shall request volunteers for such committees as are necessary to conduct the affairs of the Council. Such committees may include Political Action, Education & Bursary, Day of Mourning, Labour Day Picnic, Pride, and Women's Committee. The Executive may request any such committee to meet for the purpose of considering matters placed before it and such committee shall prepare reports of its activities for presentation to Council meetings. Each committee shall elect a Chair, Recording Secretary, and any other positions as deemed necessary.

**Section 11.** Eighteen (18) registered delegates representing at least six (6) of the affiliated unions shall constitute a quorum for the transaction of business.

**Section 12.** The Rules and Order of Business governing meetings shall be:

1. The President, or in the absence or at the request of the President, the Vice-President, shall take the Chair at the time specified, at all regular and special meetings. In the absence of both the President and the Vice-President, a Chair shall be chosen by the Executive.
2. No questions of a sectarian character shall be discussed at meetings.
3. Any delegate wishing to speak shall first be recognized by the Chair, then the delegate shall give a suitable identification, including the organization represented, and shall confine all remarks to the question at issue. Speakers at general membership meetings will be allowed three (3) minutes to speak on a subject. Delegates/guest speakers will be allowed up to ten (10) minutes to make a presentation. Guest speakers will be allowed to address after Roll Call.

4. A delegate shall not speak more than once upon a subject until all who wish to speak have had an opportunity to do so.
5. A delegate shall not interrupt another except to call to a Point of Order.
6. A delegate, upon being called to order at the request of the Chair, shall be seated until the question of order has been decided.
7. Any delegate persisting in unparliamentary conduct shall be named by the Chair, and the conduct shall be submitted to the judgement of the meeting. In such case, the delegate whose conduct is in question shall explain and then withdraw while the meeting determines what course to pursue in the matter.
8. When a question is put, the Chair, after announcing the question shall ask: "Are you ready for the question?" If no delegate wishes to speak, the question shall be put.
9. Questions may be decided by a show of hands, or a standing vote, but a roll call vote may be demanded by thirty percent (30%) of the delegates present. In a roll call vote, each delegate shall be entitled to one (1) vote.
10. Two (2) delegates may appeal the decision of the Chair. The Chair shall then put the question thus: "Shall the decision of the Chair be sustained?" The question shall not be debatable except that the Chair may make an explanation of the decision.
11. The Chair shall have the same right as other delegates to vote on any question. In case of a tie vote, the Chair shall cast the deciding vote.
12. When the previous question is moved, no discussion or amendment of either Motion is permitted. If the majority vote that "the question be now put," the original Motion has to be put without debate. If the Motion to put the question is defeated, discussion will continue on the original Motion.

**13.** A Motion may be reconsidered provided the mover of the Motion to reconsider voted with the majority, and Notice of Motion is given for consideration at the next meeting, and said Notice of Motion is supported by two-thirds (2/3) of the delegates qualified to vote.

**14. Delegate Attendance**

A current list of all delegates/alternates, with the union local listed alphabetically, shall be provided at every monthly meeting.

**15.** Each delegate/alternate/guest, upon entering the meeting room, must sign in on the attendance record.

**16.** No person shall be admitted to the Labour Council meeting other than representatives of the Press and those mentioned in previous Articles of the By-Laws excepting by a majority vote of the members present, and provided further, that members of the Press and/or fraternal delegates shall be required to retire whenever it shall be deemed desirable by Council to go into Executive session.

**17.** In all matters not regulated by these Rules of Order, *Bourinot's Rules of Order* shall govern.

**ARTICLE 5—OFFICERS**

**Section 1.** The Officers of the Labour Council shall consist of a President, First (1st) Vice-President, Second (2nd) Vice-President, Secretary-Treasurer, a Youth Representative, and four (4) Executive Members-at-Large.

**Section 2. (a)** Each Officer shall be a member in good standing of an affiliated organization, and shall be a delegate to the Durham Region Labour Council.

**(b)** Annually, affiliates must present an up-to-date list of their delegates and alternates to the Secretary-Treasurer of the Durham Regional Labour Council, in writing and signed by the President or designate.

**(c)** No one shall be eligible for election unless they have attended fifty percent (50%) of the meetings of the Labour Council within the previous twelve (12) months.

**(c)** Nominations will be opened at the January and February general meetings. Closure and acceptance will take place on the night of elections **and each candidate will be invited to speak for up to three (3) minutes.**

**(d)** The Officers shall be elected by the Labour Council every two (2) years at the February meeting effective in the year 2000, and thereafter, each even numbered year.

**Section 3.** Election of Officers shall be by secret ballot. A majority of votes cast shall be required before any candidate can be declared elected, and second (2nd) and subsequent ballots shall be taken if necessary to obtain such a majority. On the second (2nd) and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot shall be dropped.

**Section 4.** The election of each office shall be completed before nominations may be accepted for any subsequent office.

**Section 5.** The term of the Officers of the Labour Council shall commence upon completion of elections.

**Section 6.** In the event of a vacancy in the office of the President, a Vice-President shall perform the duties of the President until a successor is elected. If a Vice-President is unable to act in this matter, the Secretary-Treasurer shall perform this duty.

**Section 7.** In the event of a vacancy in any office of either Vice-President or Secretary-Treasurer, the President shall perform the duties of the vacant office until a successor is elected.

**Section 8.** In the event of a vacancy in any office of the Labour Council, the vacancy shall be filled within three (3) months at a regular general meeting. Only those delegates who have attended fifty percent (50%) of the general meetings in the twelve (12) months prior to an election to fill a vacancy shall be eligible to stand for election.

**Section 9.** The Executive Officers shall hold title to any real estate of the Labour Council as Trustees for the Council. They shall have no right to sell, convey or encumber any real estate without first submitting the proposition to a meeting and such proposition is approved.

## **Section 10. Obligation for Officers**

After being elected, each Officer, before assuming the duties of office, shall be required to take the following obligation:

*"I, do hereby, sincerely pledge my word and honour to perform my duties as an Officer of this Labour Council. I will attend, when able to do so, all meetings of the Council of which I shall be a member, and at the end of my term of office, I shall turn over to the Council or my successor, all properties or funds in my possession that belong to the Council."*

## **ARTICLE 6—DUTIES OF THE PRESIDENT**

- Section 1.** The President shall function as the chief executive officer of the Labour Council and shall exercise supervision over the affairs of the Council, sign all official documents, and preside at regular and special meetings, and at meetings of the Executive.
- Section 2.** Subject to appeal to the Canadian Labour Congress, the President shall have authority to interpret these By-Laws and the interpretation shall be conclusive and in full force unless reversed or changed by the Executive, or a meeting, or the Canadian Labour Congress.
- Section 3.** The President shall be an *ex-officio* member of all committees except for the Audit Committee.
- Section 4.** For services, the President shall receive expenses of one hundred dollars (\$100.00) per month.

## **ARTICLE 7—DUTIES OF THE VICE-PRESIDENTS**

- Section 1.** The Vice-Presidents shall aid the President in the duties as chief executive officer of the Labour Council and act on behalf of the President when required to do so.
- Section 2.** They shall be designated as First (1st) Vice-President and Second (2nd) Vice-President.

## ARTICLE 8—DUTIES OF THE SECRETARY-TREASURER

- Section 1.** The Secretary-Treasurer shall be the chief financial officer of the Labour Council.
- Section 2.** The Secretary-Treasurer shall be in charge of books, documents, files and affects of the Labour Council which shall at all times be subject to the inspection of the President and Executive.
- Section 3.** The Secretary-Treasurer shall prepare a financial statement of the Labour Council for a monthly report to Council. A copy of this statement shall be forwarded to the Canadian Labour Congress Regional Office.
- Section 4.** The Secretary-Treasurer shall have the books of the Labour Council audited annually by an Audit Committee elected by the membership during the Committee elections. A copy of the Audit Report shall be forwarded to the Canadian Labour Congress Regional Office.
- Section 5.** The Secretary-Treasurer shall, subject to the approval of the Executive, invest surplus funds of the Labour Council in securities or deposit them in unionized financial institutions where possible.
- Section 6.** The Secretary-Treasurer shall be bonded in such amount as may be determined by the Executive.
- Section 7.** The Secretary-Treasurer is empowered to require affiliated organizations to provide statistical data in their possession relating to the membership of their organization.
- Section 8.** The Secretary-Treasurer shall cause the proceedings of all Labour Council meetings and all sessions of the Executive to be recorded. Copies of all proceedings shall be forwarded to the Canadian Labour Congress Regional Office.
- Section 9.** For services, the Secretary-Treasurer shall receive one hundred dollars (\$100.00) per month.

## ARTICLE 9—EXECUTIVE

- Section 1.** The Executive shall consist of the President, First (1st) Vice-President, Second (2nd) Vice-President, Secretary-Treasurer, a Youth Representative, and four (4) Executive Members-at-Large.
- Section 2.** The Executive shall be the governing body of this Labour Council between meetings. It shall take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the Council meetings and to enforce the provisions contained in these By-Laws.
- Section 3.** The Executive shall meet upon the call of the President. It shall also be necessary for the President to call a meeting upon the request of three (3) other Officers.
- Section 4.** The Executive shall have the power to conduct an investigation of any situation in which there is reason to believe that any affiliated organization may be dominated, controlled or substantially influenced in the conduct of its affairs by any corrupt influence, or that its policies or activities are contrary to the principles or policies of the Labour Council. Upon the completion of such an investigation, including a hearing if requested, the Executive shall have the authority to make recommendations to the organization involved and the Canadian Labour Congress. It shall have the further authority upon a two-thirds (2/3) vote of the Executive to suspend any organization. Any action of the Executive under this Section may be appealed to the next meeting of the Council.
- Section 5.** A majority of the members of the Executive shall constitute a quorum for the transaction of the business of the Executive.
- Section 6.** The Executive is authorized to reimburse members of the Labour Council for necessary expenses in performing their duties for the Council.
- Section 7.** The Executive has spending authority up to a five hundred dollar (\$500.00) limit per month to be used at the Board's discretion.
- Section 8.** Should any Executive member fail to answer to roll call for three (3) consecutive, regularly-scheduled Executive meetings, without notifying the President or Support Staff, the member shall be notified in writing that his or her position on the Executive shall be deemed to be forfeited.

**Section 9.** All committees shall have an Executive member appointed as a liaison.

**Section 10.** The Executive Officers shall hold title to any real estate of the Labour Council as Trustees for the Council. They shall have no right to sell, convey or encumber any real estate without first submitting the proposition to a meeting and such proposition is approved.

## **ARTICLE 10—REVENUE**

**Section 1.** A per capita tax shall be paid upon the full, paid-up membership of each organization.

**Section 2.** Each affiliated local union, branch or lodge shall pay a monthly per capita tax of twenty-five cents (\$0.25) per member, per month, 2.5 cents (\$0.025) of which shall be credited to the PAC fund.

**Section 3.** Any organization one (1) year or more in arrears of per capita tax to the Labour Council shall be notified by the Secretary-Treasurer. Such organization shall not be entitled to seat delegates at Council meetings until all arrears are paid in full.

## **ARTICLE 11—AMENDMENTS**

**Section 1.** Amendments to these By-Laws, as long as they do not conflict with the Constitution of the Canadian Labour Congress, nor its principles and policies, may be adopted by a two-thirds (2/3) vote of those present in meeting and voting. Any amendments shall only become effective after approval by the Canadian Council of the Canadian Labour Congress.

## **ARTICLE 12—OMBUDSPERSON**

**Section 1.** If a delegate to the Labour Council has a complaint or grievance against an Officer or delegate to the Council, and no procedure for redress of the complaint or grievances is set out in these By-Laws, the aggrieved member shall have the right to submit the case, with all relevant material, to the Ombudsperson appointed by the Canadian Labour Congress.

**Section 2.** The Ombudsperson will, under the authority vested by the Canadian Labour Congress, undertake such inquiries, hearings, or meetings, as deemed advisable, and report the findings as soon as possible to the parties to the complaint.

## **ARTICLE 13—ORDER OF BUSINESS**

**Section 1.** At the opening of a meeting, the President shall take the Chair and conduct the business in the following order:

- 1.** Call to order
- 2.** Adoption of agenda and President's Remarks
- 3.** Roll call
- 4.** Delegations/ Guest speakers
- 5.** Installation of new Unions
- 6.** Reading of minutes
- 7.** Business arising from minutes
- 8.** Correspondence and bills
- 9.** Financial Report
- 10.** Executive Report
- 11.** Reports of Unions
- 12.** Reports of Committees, CLC and WHSC
- 13.** Unfinished business
- 14.** New business
- 15.** Notices of Motion
- 16.** Adjournment