

# CONSTITUTION

*Amended at the 27<sup>th</sup> Constitutional Convention  
held at the Palais des Congrès de Montréal  
from May 5 –9, 2014*

**together  
FAIRNESS  
WORKS**



Canadian Labour Congress  

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Congrès du travail du Canada

**Montréal**  

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**2014**



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## **TERMS**

### **affiliate**

any national, international, regional or provincial union that pays membership dues to the CLC

### **chartered body**

directly chartered locals, provincial and territorial federations of labour, labour councils, and trade departments

### **chartered local or directly chartered local**

local union that has received its charter directly from the CLC

### **federations**

provincial and territorial federations of labour

### **labour councils**

local labour councils, district labour council

### **locals**

includes locals, units, branches, lodges or other subdivisions of affiliates

### **policies**

includes rules and regulations

# **PREAMBLE**

## **Preamble**

The strength of the labour movement is built on solidarity and respect among workers. We commit ourselves to the goals of worker democracy, social justice, equality and peace. We are dedicated to making the lives of workers and their families safe, secure and healthy.

We believe that every worker is entitled, without discrimination, to a job with decent wages and working conditions, union representation, free collective bargaining, a safe and healthy workplace, and the right to strike.

We believe that we, as members of society, are entitled to basic human rights, political freedom, quality public services, good democratic government, a safe and sustainable environment, a just and equitable society, and a peaceful world.

We believe that diversity in our society must be protected, promoted and celebrated. We believe that every worker is an equal member of the human family, regardless of gender, gender identity, colour, creed, ethnic origin, disability, sexual orientation or age. We stand for inclusiveness. We stand against abuses of human rights in our workplaces, our communities, our country, and around the world.

The Canadian Labour Congress, as the voice of working women and men, promotes their interests in the community and at national and international forums. We speak out forcefully for our affiliates and their members to employers, governments and the public to ensure the rights of workers are protected and expanded.

The Congress provides inspiration and leadership to its affiliates and guidance to its provincial and territorial federations of labour and local labour councils. Working with the federations and councils, the Congress mobilizes resources, coordinates the efforts of affiliates, and joins with other progressive organizations in mounting national campaigns.

In all its work, the Congress defends and promotes the principles of democracy and equality and holds true to the ideal of human rights for all.

We are sisters and brothers who, in solidarity, always pursue social, economic and political justice – the goals on which the labour movement was founded.

# **CHARTER OF LABOUR RIGHTS**

## **Charter of labour rights**

All workers have the right to:

1. Assemble peacefully and picket.
2. Bargain collectively on all matters arising from technological change.
3. Strike during the term of an agreement if bargaining cannot resolve a dispute about a matter not covered in the agreement.
4. Have a meaningful say on all vital economic and social questions affecting workers and have union representation on all government boards that administer social programs.
5. Be trained or retrained at employer and government expense.
6. Take all measures necessary to protect the safety and health of workers on the job.
7. Enjoy leisure through extended vacations and paid holidays.
8. Take a comfortable, secure retirement at age 60 if they wish it.

## **Article 1**

### **Name and headquarters**

1. This Congress is known as the Canadian Labour Congress (CLC) and in French as the Congrès du travail du Canada (CTC).
2. The headquarters are in Ottawa, Ontario.

## **Article 2**

### **Purposes**

The Congress exists to:

1. Promote the interests of its affiliates and advance the economic and social welfare of Canadian workers, including those who are unemployed or retired.
2. Affiliate national, international, regional and provincial labour unions.
3. Respond to requests from affiliates and chartered bodies to help them extend the benefits of collective bargaining to workers not yet in unions.
4. Set up and assist provincial and territorial federations of labour and local labour councils.
5. Work for laws that protect workers' rights, such as free collective bargaining and the right to strike, and the security and welfare of all Canadians.

6. Protect and strengthen our democratic institutions and ensure full recognition and enjoyment of the rights and liberties to which we are entitled.
7. Safeguard the democratic nature of the labour movement and respect the autonomy of every affiliate.
8. Help create and participate in coalitions with groups that share our goals and principles.
9. Promote peace and freedom throughout the world and work with labour movements and peace groups in other countries.
10. Provide an efficient and orderly method for settling disputes between affiliates.
11. Actively encourage mergers between compatible affiliates to create stronger, more effective unions and reduce conflict and duplication.
12. Speak for labour on national and international issues, explain union policies and represent the labour movement with national and international agencies.
13. Keep the labour movement independent of political control while encouraging workers to exercise their full rights and duties as citizens and play their rightful part in the political system at every level.
14. Promote labour media and other means of informing and educating union members.
15. Encourage the sale and use of union-made goods and union services through the use of the union label and other symbols.

### **Article 3**

#### **Membership**

1. Members of the Congress are:
  - affiliated national, international, regional and provincial unions;
  - directly chartered local unions; and
  - chartered provincial and territorial federations of labour and local labour councils.
2. The Canadian Council can issue charters or certificates of affiliation.
3. Affiliates and chartered bodies must abide by this Constitution.
4. A majority vote at convention may expel an affiliate or revoke a charter.
5.
  - a. The Congress and its subordinate bodies will not recognize an affiliate or chartered body that has left the Congress or been suspended or expelled.
  - b. The Congress and its subordinate bodies will not recognize a local union or person that has been suspended or expelled by an affiliate or chartered body. A body that violates this provision will be suspended.
  - c. A union that has left an affiliate cannot affiliate to the Congress without the consent of the union it left.

6. Any suspended or expelled union cannot reaffiliate unless the Canadian Council is satisfied that the causes of the suspension or expulsion no longer exist and that the applicant will abide by the Constitution, principles and policies of the Congress.
7. Each affiliate and subordinate body must give the secretary-treasurer a copy of all their official reports and a statement of their membership numbers.

#### **Article 4**

##### **Disputes procedures**

1. This article does not apply to affiliates and chartered locals in the Province of Quebec. They are governed by the Quebec Federation of Labour Protocol.
2. The interests of unorganized workers can be served best when they join a union that has proven itself by representing workers in the same industry, service (public or private) or trade. Therefore, the Congress encourages affiliates to organize mainly in the jurisdictions they have occupied in the past, where they have the resources and abilities to provide high standards of servicing. This applies equally to the public and private sectors. Following this guideline promotes trust and goodwill, builds cooperation and solidarity, and conserves scarce union resources. If there is an organizing dispute, the Congress is prepared to help resolve it in a fair way that satisfies the parties involved.
3.
  - a. Settlements under this article are limited to the specific dispute and do not determine the general work or trade jurisdiction of any affiliate.
  - b. The terms of this article are the sole and exclusive method for settling any disputes described in this article or enforcing any settlement made under this article.

No affiliate will use court or legal proceedings to settle such disputes or enforce any settlement.
4.
  - a. Each affiliate is responsible for any action of any of its subordinate bodies that is contrary to this article.
  - b. Affiliates must make sure that the Congress does not lose members to an unaffiliated union because of a dispute.
  - c. Affiliates must support the decision when a claim for justification is denied and assist the affiliate that is being raided.
5.
  - a. Each affiliate respects the established collective bargaining relationships of every other affiliate. No affiliate will try to organize or represent employees who have an established bargaining relationship with another affiliate or otherwise seek to disrupt the relationship.

- b.** An established collective bargaining relationship is any situation in which an affiliate or any of its subordinate bodies:
    - is recognized by the employer as the bargaining representative for the employees involved for at least one year, or
    - is certified under any federal, provincial or territorial labour law, or
    - is under a government bargaining procedure.
- 6.**
  - a.** Affiliates must respect the established work relationships of other affiliates. An “established work relationship” exists where work that members of a union have customarily performed is being done at a particular plant, office, institution or work site, whether the employer is the plant operator, a contractor or other employer.
  - b.** No affiliate shall agree or collude with an employer or use economic pressure to seek work for its members that is already being done by another affiliate, except with the consent of that affiliate.
  - c.** Affiliates shall refer directly to the president cases involving the merger or reorganization of plants or companies that will eliminate or combine bargaining units.
- 7.** No affiliate shall circulate any information designed to publicly discredit another affiliate or the Congress or any information that results in such discredit.
- 8.**
  - a.** When any elected or staff member of an affiliate is approached by members of another affiliate they shall:
    - i.** encourage those members to work within the constitutional provisions and policy procedures of their own union; and
    - ii.** immediately pass this information on to the ranking officer of the union that holds the bargaining rights for those members and the President of the Canadian Labour Congress.
  - b.** If an affiliate believes that another affiliate is raiding its members in violation of ‘Article 4 – Disputes procedures, Sections 5, 6 or 7’, the ranking officer shall inform the President of the Canadian Labour Congress (including providing *prima facie* evidence of the alleged raid) and the ranking officer of the affiliate alleged to be involved in the raiding activities.
  - c.** If the process above is not followed and/or if the ranking officer of the affiliate alleging it is being raided believes the raiding activity has not ceased, it will request that the President of the Canadian Labour Congress convene a meeting of the ranking officers of the two unions as soon as possible, but no longer than seven days, to attempt to resolve the dispute.

- d.** The national ranking officer of the affiliate alleged to be involved in raiding activities shall have one week to investigate the allegations against their union. If within that time period, the allegations are found to be valid, the ranking officer will direct the activists/staff of their union to immediately cease and desist such activities.
- e.** If at that stage, there is no resolve, the President of the Canadian Labour Congress will immediately refer the dispute to an Impartial Umpire, for a final and binding determination.
- f.** The Umpire shall immediately convene a hearing to determine the validity of the allegation.
- g.** The Umpire will review all the information provided by the unions involved, including any evidence that an affiliate has established or assisted an independent union for the purposes of raiding members of another affiliate.
- h.** The hearing and a report will be completed as soon as possible. The Umpire's report shall be final and binding. It shall contain either:
  - i.** a determination as to whether an affiliate has been involved in a raid and therefore in violation in whole or in part of 'Article 4 – Disputes procedures, Sections 5, 6 or 7'.
  - or
  - ii.** a determination that both parties have mutually reached an agreement to a resolve to the dispute.
- i.** If there is a determination by the Umpire that a raid has occurred, sanctions will be automatically applied pursuant to Article 4, Section 11.
- 9.** In keeping with the principle that union members at times may have valid reasons which may justify changing unions, the following justification process is available to all members of Canadian Labour Congress affiliates:
  - a.** Where the Canadian Labour Congress receives a request from a group of workers wanting to leave their own union, the Canadian Labour Congress shall encourage those members to work within the constitutional provisions and policy procedures of their own union. The Canadian Labour Congress will also contact the ranking officer of the members' union to convene a meeting within one week with the workers and their union in an attempt to mediate and resolve the situation.
  - b.** When an affiliate is made aware of workers wanting to join another union, that affiliate has the obligation to immediately inform the ranking officer of the union that currently represents the members and the President of the Canadian Labour Congress.

- c.** Where the Canadian Labour Congress receives a request for justification pursuant to a. above or notification pursuant to b. above, the Canadian Labour Congress will immediately contact the ranking officer of the unions involved, to convene a meeting within one week in an attempt to mediate resolve to the situation.
- d.** If a resolution to the situation is not reached within two weeks, the matter will be referred to an Investigator/Mediator. The affiliates involved will cooperate fully with the work of the Investigator/Mediator.
- e.** The investigation, mediation and resolution process is based on early intervention and is intended to provide affiliates with a timely, transparent, and professional process to deal with instances when workers indicate they wish to change unions. During this process, the unions involved are encouraged to work on finding their own solutions and may agree on proposals to remedy the situation. The process is also intended to give the affected union the time and ability to address the problems giving rise to the situation.
- f.** The panel of Investigator/Mediators will be persons who have the confidence of the affiliate leadership, are skilled in negotiations, mediation and informal adjudication, and who will be available on short notice. The panel members will be recommended by the Executive Committee to the Canadian Council. The Investigator/Mediators will not be current officers or staff of affiliates, the Canadian Labour Congress or Federations of Labour.
- g.** An Investigator/Mediator shall be appointed to a case by the President. Investigator/Mediator shall not be or have been formally associated to the parties involved in the case.
- h.** The terms of reference for the Investigator/Mediator will be to investigate the issue, suggest remedies to the parties, and report to the President of the Canadian Labour Congress in accordance with the following:
  - i.** Have as a primary objective, working with the affected members and the affiliate, to have them remain with their union;
  - ii.** Convene meetings/discussions, in order to provide a forum for the parties involved to present information, address issues raised, provide clarification and have an opportunity to be heard;
  - iii.** Decide whether or not the affected union needs time to address the underlying issues and if it can remedy the issue;
  - iv.** Identify if there is a case for justification;
  - v.** Where necessary, make recommendations to the President on the following:
    - a)** the appointment of an ombudsperson or monitor to work with the union to rebuild the relationship;
    - b)** provide for a cooling-off period;

- c) to establish a directly chartered affiliated local of the Canadian Labour Congress in accordance with ‘Article 6 – Directly chartered local unions’ of the Canadian Labour Congress Constitution; and
  - d) any other recommendations to the parties involved in the dispute as deemed necessary to resolve the matter;
  - e) whether there is interference from another organization;
  - f) whether there is *prima facie* evidence that a raid is occurring and there are grounds for a formal raiding charge.
- vi. The Investigator/Mediator shall be authorized to make final and binding determinations on whether justification is to be granted and a vote held. The findings and the determination will be forwarded to the CLC President.
- vii. Consider any claim that an affiliate has established or assisted an independent organization for the purpose of interfering with the members of a Canadian Labour Congress affiliate.
- i. Consideration of concerns expressed by members about their union or a claim of justification by a union should be guided by those principles set out in ‘Article 24 – Code of union citizenship’ and in Article 25 – Code of ethics’ of the Canadian Labour Congress Constitution.
- j. If the Investigator/Mediator concludes that another affiliate has attempted to influence or interfere with an affiliate’s membership either directly or indirectly, in any matter covered by this protocol, the offending affiliate will not be entitled to exercise any rights under this protocol, ‘Article 4 – Disputes procedures’, or be on a ballot with respect to the issue.
- k. Where there is a determination that justification is to be granted, the affiliates agree to cooperate in a vote organized by the CLC.
- l. If the members vote to leave their union, that union will cooperate in the process to transfer the bargaining rights.
- m. If a claim for justification is not granted and an affiliate proceeds to sign up the member involved, they are violating Section 5. This will result in the automatic application of the sanctions in section 11.
- 10.
  - a. If a bargaining unit leaves its affiliate before the disputes procedure is finished, the unit must apply to the president to become a directly chartered local. If granted, the charter will be issued for a maximum of three years. Then the existing transfer procedure would take place.
  - b. Any affiliate that seeks to take members from a directly chartered local without following the transfer procedure is subject to sanctions in section 11.

- 11.** Any affiliate found in violation of section 5 will be placed under sanctions.
  - a.** The affiliate will immediately lose the following:
    - the right of any representative to vote on the Canadian Council
    - the right to take part in Congress committees
    - access to all Congress services, such as attending education functions, conferences and the Labour College
    - access to the justification and transfer procedures.
  - b.** After three months if the dispute is not settled, the affiliate will also lose one or the other of the following:
    - right of any representatives to vote at executive councils or boards of federations of labour and labour councils
    - right to take part in federation and labour council committees
    - access to services of federations and labour councils.
  - c.** After another three months if the dispute is not resolved, the affiliate will also lose the following:
    - any seat it holds on the Canadian Council
    - access to their disputes procedures
    - any seat it holds on an executive council or board of a federation of labour or labour council
    - right to participate in these chartered bodies.
  - d.** If the affiliate continues to violate section 5 or refuses to pay its per capita tax, the president, subject to Executive Committee approval, may apply all sanctions prior to the set time.
  - e.** When applying sanctions, the president will notify the Canadian Council and the affiliates.
- 12.** Sanctions can be applied to an affiliate in a situation where it is part of a joint certification or a multi-union bargaining unit.
- 13.**
  - a.** An affiliate that is under sanctions may apply to the president to have the sanctions lifted. The president will notify the affiliates involved. If these affiliates consent, the Canadian Council will remove the sanctions.
  - b.** If any of these affiliates opposes the application, the matter comes before the next meeting of the Canadian Council. The sanctions are lifted only under these conditions:
    - i.** the non-complying affiliate says, in writing, that it will comply with the provisions of this article
    - ii.** the non-complying affiliate does what is necessary and feasible to remedy the situation



- b. If more than one such union in a jurisdiction has affiliated to a federation in that three years, these unions can affiliate to the Congress in one of three ways:
    - by joining an existing affiliate
    - by joining an existing national organization in their jurisdiction and having that organization affiliate to the Congress
    - or
    - by forming a new national organization with the other compatible unions affiliated to a federation and having that new organization affiliate to the Congress.
  - c. After the three years, if only one union in a jurisdiction has affiliated to a federation and that union chooses to join the Congress, it then represents that jurisdiction. After that, other unions representing similar groups will affiliate through the first one, either by merging or forming a new national union.
4.
    - a. All affiliates must require their local unions to join federations and labour councils where such exist.
    - b. All directly chartered locals must affiliate with their federation and labour council.
    - c. All labour councils must affiliate with their provincial or territorial federation.
  5. The Canadian Council must issue rules governing the affairs, finances and property of federations and labour councils and provide discipline procedures. The rules must provide for appeals to the Canadian Council and the convention, but decisions remain in effect until the appeal is settled.
  6. If a federation or labour council is dissolved or suspended or has its charter revoked, all its funds and property revert to the Congress to be held in trust until it is reorganized and able to conform with this constitution. The officers of such a federation or labour council must deliver all funds and property to the Congress secretary-treasurer or designate. If the funds and property are not delivered, all expenses the Congress incurs in recovering them are a lawful charge. When they are recovered, the Congress will reimburse itself.

## **Article 6**

### **Directly chartered local unions**

1. The Congress, through the Canadian Council, may issue charters directly to local unions.
2. The Canadian Council must issue rules governing the affairs, finances and property of these locals and their suspension, expulsion and termination. The rules must define the powers of the Congress president, or designate, to take

disciplinary action against such locals or their officers. The rules must also provide for appeals to the council and the convention, but decisions remain in effect until the appeal is settled.

- 3.**
  - a.** The Canadian Council may combine locals in related fields or assign them to affiliates when appropriate. Any local or group of locals may ask the Canadian Council to authorize such a combination.
  - b.** When grouped into a council, they remain directly chartered local unions.
- 4.** If a directly chartered local is dissolved or suspended or has its charter revoked, all its funds and property revert to the Congress to be held in trust until it is reorganized and able to conform with this constitution.

The officers of such a local must deliver all funds and property to the Congress secretary-treasurer or designate. If the funds and property are not delivered, all expenses the Congress incurs in recovering them are a lawful charge. When they are recovered, the Congress will reimburse itself.

## **Article 7**

### **Revenue**

- 1.** Each affiliate and directly chartered local must pay a per capita tax on their entire paid-up membership.
- 2.** Effective January 1, 2015, each affiliate must pay before the last day of each month, for the preceding month, a per capita tax of 75 cents per dues-paying member. When remitting their per capita tax for June, affiliates must report the location of and number of members in each local.
- 3.**
  - a.** Each directly chartered local must pay on or before the fifteenth of each month, for the preceding month, a per capita tax equal to 0.5 per cent of the members' regular monthly earnings. Each local must also pay a portion, set by the Canadian Council, of the initiation fee received from its members. This payment must be no less than one dollar per member.
  - b.** One dollar and fifty cents of the per capita tax paid by chartered locals must go into a defence fund. The Executive Committee administers this fund and reports on it to convention.
- 4.** The secretary-treasurer notifies any body that has not paid its per capita tax by the deadline. The Congress may suspend any body three months in arrears and reinstate that body only after arrears are paid in full.
- 5.** The Canadian Council, by a two-thirds majority vote, may levy a special assessment on affiliated organizations in order to fund a campaign or for another purpose that is in the interests of the Congress and its affiliated organizations.
- 6.** Each application for a local union charter must include a fee of \$25.

## **Article 8**

### **Trade departments**

1. The Congress can set up and charter trade departments.
2. Departments have their headquarters in the Congress headquarters unless permitted to locate elsewhere.
3. Each department is subordinate to the Congress and manages and finances its own affairs.
4.
  - a. Affiliation to the departments is open to all appropriate Congress affiliates.
  - b. To be affiliated to a local department council, a local union must be part of a Congress affiliate or a directly chartered local. The local must also be an affiliate of its local labour council.
5. The constitution and policies of each department must conform to the constitution and policies of the Congress.
6. A body affiliated with one or more departments pays per capita tax to each department based on the number of members whose occupation comes under that department.
7. Department officers submit a report of the work of their department to the Canadian Council.

## **Article 9**

### **Congress administration**

The Congress can set up the departments needed to carry out constitutional requirements, convention and Canadian Council decisions, and to provide services.

## **Article 10**

### **Regular conventions**

1. The convention is the supreme governing body of the Congress.
2. Regular conventions are held every three years prior to May 31. In special circumstances, a convention can be held as late as June 30.
3. The Canadian Council chooses the time and place, sets the convention hours and gives at least 120 days' notice.
4. There are five categories of delegates: local, affiliate, youth, federations and labour councils, and ex-officio.
  - a. Local unions in Canada of affiliates and directly chartered local unions get one delegate for 1,000 or fewer members and one additional delegate for each additional 500 members or major fraction thereof.

Delegates must belong to the local they represent. The exception is that an affiliate member who is on full-time staff may represent a local.

Locals may combine to send a delegate.

- b.** Affiliates that affiliate their entire Canadian membership directly from headquarters can send two delegates from Canada.
- c.** The five largest private sector and five largest public sector unions get four youth delegates each.

The remaining affiliates on the Canadian Council each get two youth delegates.

Youth delegates are 30 or younger.

- d.** Federations and labour councils shall be entitled to a maximum of two delegates plus a youth delegate aged 30 or younger. These delegates must be members in good standing of an affiliated or directly chartered local.
- e.** The Congress president, secretary-treasurer, and two executive vice-presidents are delegates.

**5.** The Canadian Council sets the registration fee for delegates and guests.

**6.** By 120 days before the convention, the secretary-treasurer will issue credentials to affiliated organizations.

The credential will be in digital or paper format and will provide for the designation of an alternate delegate.

A digital credential will provide for a secure electronic signature by the presiding officer of the affiliated organization. It must be submitted electronically to the secretary-treasurer at least 30 days before the convention.

Upon receipt of the digital credential, the CLC will issue a copy of the credential to the delegate. This credential must be shown upon registering at the convention.

If a paper credential has been requested, the delegate keeps the original, signed form. The copy must be returned to the secretary-treasurer at least 30 days before the convention.

All delegates must be registered by 5:00 pm on the day preceding the elections scheduled in the Convention Program of Business.

**7.** A body is not entitled to representation if, by convention opening:

- it is in arrears for per capita tax for three months or more, or
- it has had its certificate of affiliation or charter for less than one month.

## **Article 11**

### **Convention committees**

- 1.** The president, consulting with the Canadian Council, appoints committees to prepare the work of the convention.
- 2.** Each committee has at least five members and meets before the convention for as long as they need to complete their work. The Congress pays the members' wages and expenses for these extra days as the Canadian Council decides.
- 3.**
  - a.** The credentials committee examines the credentials received and registers those they approve.
  - b.** The committee may consider incomplete or late credentials, but their recommendation must be approved by a two-thirds vote of the convention.
  - c.** The committee reports to the convention on the first day and subsequent days if needed.
  - d.** When a majority of the delegates approve the first committee report, the convention may start its official business.
  - e.** Appeals are made to the convention.
- 4.**
  - a.** The Canadian Council, an affiliate, a local of an affiliate, or a chartered body can submit a resolution in either electronic or paper format. It must be signed by the presiding officer. The signature can be either digital for electronic resolutions or written for paper resolutions. The resolution must deal with one subject, include an action, and contain no more than 150 words.
  - b.** The secretary-treasurer must receive all resolutions at CLC Headquarters at least 90 days before convention.
  - c.** Resolutions are sorted and referred to an appropriate convention committee.

Committees may combine resolutions into a composite resolution or prepare a substitute resolution that covers the intent.

The committees report to the convention before the delegates consider the matter.
  - d.** Copies of the resolutions in English and French are to be made available to the delegates at least 30 days before the convention.
  - e.** The Canadian Council receives any resolutions that are late or not in the proper form and may bring them to the convention. Two thirds of delegates must agree before these resolutions can be considered.

## **Article 12**

### **Convention conduct and rules**

1. A quorum is one quarter of the registered delegates.
2. The president or a member of the Canadian Council chairs the convention. In the absence of the president and the designate, the council chooses a chairperson.
3. The chairperson has the same rights as other delegates.
4. Solidarity delegates (special guests) may not propose motions, vote or stand for office.
5. Delegates must respect, in word and deed, the Congress policy against harassment.
6. Delegates wishing to speak go to a microphone. When recognized by the chairperson, delegates state their name and the organization they represent and confine their remarks to the issue being discussed.
7. Speakers to a resolution are limited to three minutes.
8. Delegates do not speak more than once on a subject until all who wish to speak have done so.
9. Delegates do not interrupt except for a point of order.
10.
  - a. Each delegate has one vote.
  - b. If there is a tie, the chairperson casts the deciding vote.
11. A majority vote is needed to make decisions. The exceptions to this, which need a two-thirds vote, are:
  - constitutional amendments
  - notice of motion for reconsideration.
12. When the convention is ready to vote, the chairperson describes the matter to be voted on and says, “Are you ready to end debate and vote on the motion?” If no delegate wishes to speak, the delegates vote.
13. Votes can be indicated by a show of hands or by standing. One third of the delegates may demand a roll call vote (in which each delegate goes to a microphone to vote when their name is called).
14. When a delegate moves to end debate (previous question), there can be no discussion. If the majority votes that “the question be now put,” then delegates vote on the original motion with no more debate. If the motion to end debate is defeated, discussion continues on the original motion.
15. Committee reports cannot be amended except when the change is acceptable to the committee. However, a delegate can move to refer something back to the committee for reconsideration.

- 16.** If a committee report is adopted it becomes the decision of the convention. If a report is defeated it then may be referred back to the committee.
- 17.** When the convention is discussing a motion, the only other motions that are permitted (in order) are:
- to end debate (put the previous question)
  - to refer the motion
  - to postpone (table) for a definite time.

If the delegates defeat any of these motions, no one can bring them up again until the next session of the convention.

- 18. a.** A motion to refer is not debatable and is immediately put to a vote.
- b.** A delegate cannot make a motion to refer after speaking on the motion.
- 19.** After delegates have voted on a motion, they may reconsider it under these conditions:
- the delegate who wants the matter to be reconsidered voted with the majority
  - the delegate gives notice of motion, (moves) to reconsider the matter at the next sitting, and
  - two-thirds of the delegates vote for the notice of motion.
- 20.** Two delegates may appeal a decision of the chair. The chairperson says, “Shall the decision of the chair be upheld?”
- The chairperson can explain the decision but the appeal is not debatable.
- 21.** If the chairperson calls a delegate to order, the delegate sits down until the convention decides on the question of order.
- 22.** If the delegate persists in unparliamentary conduct, the chairperson names the delegate. The delegate may explain his or her conduct to the convention and then must leave the floor, and the convention decides how to pursue the matter.
- 23.** Unless otherwise specified, any convention decision takes effect immediately after the convention adjourns.
- 24.** *Bourinot’s Rules of Order* governs in matters not discussed in these rules.

## **Article 13**

### **Special conventions**

1. Special conventions can be called by:
  - a regular convention
  - Canadian Council, or
  - a group of affiliates representing a majority of the Congress membership, according to the records reported at the last convention.
2. If the convention is a result of a request from affiliates, the Canadian Council will issue the convention call within 30 days. In any case, the council will give all affiliates and chartered bodies 60 days' notice of the time and place of the convention and a statement of the matters to be discussed.
3. Representation to special conventions is the same as regular conventions.
4. A special convention has the same authority as a regular convention.
5. These deadlines apply for special conventions:
  - 60 days for the secretary-treasurer to provide credential blanks
  - 15 days for copies of credentials to be returned.

## **Article 14 Congress officers**

1. The Congress officers are:
  - a. the president
  - b. secretary-treasurer
  - c. two executive vice-presidents.
2. An officer must be a member of an affiliate or chartered body.
3. No delegate who has reached age 65 may be nominated for an officer position.
4. Delegates elect the officers on Thursday of the convention week. The convention can change the election day.
5. Nominees who let their names stand agree to the following: "In accepting this nomination, I give my word that I will uphold the constitution, principles and policies of the Canadian Labour Congress."
6.
  - a. The vote is by secret ballot.
  - b. The winning candidate must receive a majority of votes cast. If needed, subsequent votes are taken. On these votes, the candidate who got the least votes in the previous round is dropped.
  - c. In case of a final tie, the chairperson may cast the deciding vote.
7. When more than one candidate is to be elected to an office, delegates must vote for the full number or the ballot will be declared spoiled.

- 8.** The election of each office is completed before nominations are accepted for the next office.
- 9.** The term of the officers and Canadian Council members starts within 60 days of convention adjournment.
- 10. a.** If the office of the president becomes vacant, the secretary-treasurer performs the president's duties until a successor is elected.  
 Within 15 days of the vacancy, the secretary-treasurer will call a Canadian Council meeting, giving 30 days' notice, to fill the vacancy. If the secretary-treasurer is unable to do this, the executive vice-presidents will do it.
- b.** If there is a vacancy in the offices of executive vice-president or secretary-treasurer, the president performs the duties of the office until a successor is elected.  
 Within 15 days of the vacancy, the president will call a Canadian Council meeting, giving 30 days' notice, to fill the vacancy.
- c.** If a Canadian Council meeting or convention is scheduled within 60 days of the vacancy, a majority of council members may agree to postpone the decision until that meeting.
- 11.** The Congress provides the officers an equitable pension plan as approved by the Canadian Council.
- 12.** The officers, as trustees for the Congress, hold title to the Congress real estate. They have no right to sell, convey or encumber any real estate without the approval of the Canadian Council.
- 13.** The Canadian Council recommends to the convention, as necessary, changes in the salary of officers.
- 14. a.** The executive officers must work full time in the interests of the Congress.
- b.** The salary of the president shall be set at \$152,000 effective June 1, 2011.
- c.** The salary of the president shall be increased by the previous 12 month increase in the Canadian Consumer Price Index on January 1, 2012 and on January 1, 2013 and on January 1 of each year thereafter.
- d.** The salary of the president will be increased by \$3 000 on June 1, 2013.
- e.** The salary of the secretary-treasurer will be set at 90% of the president's salary.
- f.** The salary of the executive vice-presidents shall be set at 85% of the president's salary.

**Article 15**  
**Duties of the president**

1. The president is the chief executive officer of the Congress. The president:
  - a. supervises the affairs of the Congress
  - b. signs all official documents
  - c. presides at conventions and meetings of the Canadian Council and Executive Committee
  - d. assigns departments and duties to the executive vice-presidents
  - e. calls meetings of the Canadian Council and Executive Committee.
2. The president has the authority to interpret the Constitution. That interpretation is conclusive and remains in effect unless the Canadian Council or a convention changes it.
3. The president hires staff and sets their compensation, subject to Executive Committee approval. The president or a designate direct all staff.
4. The president reports on the administration of that office and on Congress affairs to the convention through the Canadian Council report.

**Article 16**  
**President emeritus**

On their retirement, presidents become president emeritus in recognition of their service to the Congress.

**Article 17**  
**Duties of the secretary-treasurer**

1. The secretary-treasurer is the chief financial officer of the Congress. The secretary-treasurer:
  - a. has charge of books, documents, files and effects of the Congress. At all times, these are subject to inspection by the president, executive vice-presidents and Canadian Council
  - b. prepares a financial statement for each Canadian Council meeting
  - c. has the books audited each year by a firm of chartered accountants selected by the president and approved by the Canadian Council
  - d. presents the audits to Canadian Council and convention
  - e. issues the call for and acts as secretary at conventions

- f. sees that the proceedings of all conventions and Canadian Council meetings are recorded.
2. The secretary-treasurer, subject to Canadian Council approval, invests surplus funds in securities or deposits them in the name of the Congress.
3. The Canadian Council decides the amount for which the secretary-treasurer is bonded.
4. The secretary-treasurer can require affiliates and subordinate bodies to provide statistical data on their membership.
5. The secretary-treasurer, with approval of the president, hires, directs and sets compensation for all administrative help.
6. The secretary-treasurer reports on the administration of that office to the convention.

### **Article 18**

#### **Duties of executive vice-presidents**

1. The executive vice-presidents aid the president in the duties of chief executive officer and act on behalf of the president when asked. Each administers the departments and responsibilities the president assigns.
2. Each executive vice-president reports to the convention through the Canadian Council report.

### **Article 19**

#### **Council and officers' oath**

I \_\_\_\_\_ promise that I will truly and faithfully carry out my duties as a member of the Canadian Council of the Canadian Labour Congress to the best of my abilities.

I promise that I will uphold the Constitution and principles of the Congress.

I commit that in good faith I will support and promote the policies of the Congress.

I will be guided by the principles in the Preamble to the Constitution and its Purposes as outlined in Article 2.

I will endeavour to build harmony and solidarity in the labour movement and in the Congress.

I pledge that I will support other affiliates of the Congress in their struggles and will not attempt to recruit their members.

## **Article 20**

### **Canadian Council**

- 1.** The Canadian Council is the governing body of the Congress between conventions. It takes action and makes decisions as needed to carry out convention decisions and to enforce the provisions of this constitution.
- 2.** The council initiates legislative action in the interests of working people.
- 3.** The council consists of:
  - a.** the president
  - b.** the secretary-treasurer
  - c.** the two executive vice-presidents
  - d.** vice-presidents representing each of the unions affiliated to the Congress. These are the ranking Canadian officers in their union
  - e.** 10 vice-presidents who are women designated by the 5 largest private sector and 5 largest public sector unions
  - f.** 12 vice presidents who are the presidents of the provincial and territorial federations of labour
  - g.** two vice-presidents representing workers of colour who are endorsed by their affiliate and elected at the appropriate caucus at convention
  - h.** one vice-president representing Aboriginal workers who is endorsed by his or her affiliate and elected at the appropriate caucus at convention
  - i.** one vice-president representing workers with disabilities who is endorsed by her or his affiliate and elected at the appropriate caucus at convention
  - j.** one vice-president representing gay, lesbian, bisexual and transgender workers who is endorsed by her or his affiliate and elected at the appropriate caucus at convention
  - k.** one vice-president representing young workers who is endorsed by his or her affiliate and elected at the appropriate caucus at convention
  - l.** one vice-president representing retired workers who is elected at the convention of the Congress of Union Retirees of Canada.
- 4.** The workers-of-colour caucus at the convention also elects two alternates. The other caucuses (Aboriginal workers; workers with disabilities; young workers; and gay, lesbian, bisexual and transgender workers) elect one alternate each.

An alternate will serve on the council if the first nominees are unable to complete their term.
- 5.** Vice-presidents hold office as long as they maintain the endorsement of their union.

6. a. The number used for representation on the Executive Committee is the affiliate's average monthly dues-paying membership in the year prior to the convention.  
If a union only started paying per capita during this year, then the number is the average for the months that it has paid.
- b. An affiliate must be in good standing with the Congress at the time of the convention to be eligible to have a representative on the council.
7. If an affiliate's vice-president position becomes vacant, the affiliate represented can name a replacement.
8. The council meets at least two times each year.
9. A quorum is a majority of the members of the council.
10. The council presents a printed report in English and French of Congress activities to each convention.
11. The council has the power to investigate any situation in which there is reason to believe that a Congress affiliate or chartered body is controlled or substantially influenced by any corrupt influence or that its activities are contrary to Congress principles. After the investigation, including a hearing if requested, the council can make recommendations. Upon a two-thirds vote, the council can suspend the affiliate or chartered body. Any action under this section may be appealed to the convention.
12. The council can reimburse its members for necessary expenses in performing their Congress duties.
13. The council can set up advisory committees.

## **Article 21**

### **Executive Committee**

1. The Executive Committee is responsible for the administration of the affairs and activities of the Congress.
2. It meets at least four times a year.
3. These members of Canadian Council make up the committee:
  - a. the four executive officers
  - b. the ten vice-presidents from the five largest private sector unions and five largest public sector unions
  - c. two vice-presidents elected by the members of the Canadian Council from the ranking officers of the national or international unions which are not on the Executive Committee
  - d. the ranking officer of the largest building and construction trades union
  - e. the president of the Quebec Federation of Labour



3. Provide whatever help is needed to ensure members get all the social insurance benefits that may be available for lay-off, unemployment, disability, retirement or any other legitimate cause.
4. Provide all possible help to members who are injured or disabled at work or suffer from industrial disease.
5. Provide the best available facts on wage levels, benefits and contract language and other negotiating services to get the best possible contract.
6. Coordinate bargaining or other activities with other unions where such cooperation will benefit the members of each union.
7. Press for changes in the law to protect and enhance their members' welfare and rights.
8. Educate their members about union principles and practices, the duties of officers and representatives, their union structure, and the important issues in their own union, the Canadian Labour Congress and the labour movement.
9. Ensure that all their members can exercise their union rights.
10. Provide the means for all their members to have an equal opportunity to participate actively and effectively in their own union.
11. Encourage their members to participate actively in local labour councils and federations of labour.
12. Encourage their members to participate fully in the political life of this country.

## **Article 25**

### **Code of ethics**

The overwhelming majority of unions both preach and practise the principles of democracy. Still, too often members forfeit their union citizenship through their own indifference.

The record of union democracy, like the record of our country's democracy, is not perfect. A few constitutions do not adequately set out the elements of democratic practice. A few unions do not practise the principles in their constitutions.

All unions try to get as many of their members as possible to take part in union meetings and affairs. The answer is not so much setting out new principles as using present rights. Just as eternal vigilance is the price of liberty, so is the constant exercise of union citizenship the price of union democracy.

All free and democratic unions abide by these principles:

1. All members have the right to take part fully and freely in their union. This includes the right to:
  - a. vote regularly in honest elections for their local, national and international officers, either directly or through delegated bodies

- b.** stand for and hold office, subject only to fair qualifications uniformly imposed
  - c.** voice their views about how their union conducts its affairs
  - d.** attend local membership meetings, which are held regularly with proper notice of time and place.
- 2.** All members use their rights as union citizens. They also loyally support their union. Their right to criticize the policies and personalities of union officers does not include the right to undermine the union as an institution, to advocate dual unionism, to destroy or weaken the union as a collective bargaining agent, or to carry on slander and libel.
- 3.** All members are treated fairly under union rules. Union disciplinary procedures contain all the elements of fair play. No particular formality is required. No lawyers need be used. However, the basic requirements – notice, hearing and judgement based on evidence—are observed. A method of appeal to a higher body exists to ensure that judgement at the local level is impartial.
- 4.** Unions hold regular conventions, not more than four years apart. The convention is the supreme governing body of the union.
- 5.** All conventions are open, except for needed closed sessions. Convention proceedings or an accurate summary are published and open to the members.
- 6.** The officials and bodies that govern between conventions are elected. They abide by and enforce the union’s constitution and carry out the decisions of the convention.
- 7.** The term of office of all officials is stated in the constitution or bylaws and is for a reasonable period.
- 8.** To ensure democratic, responsible, and honest administration of their locals and other subordinate bodies, unions have the power to start disciplinary proceedings, including the power to set up trusteeships. Such powers are used rarely and only under the union’s constitution. Autonomy is restored promptly.
- 9.** Unions ensure, through appropriate constitutional or administrative measures, that anyone who exercises a corrupt influence or engages in corrupt practices does not hold union office.
- 10.** Unions ensure that no person can hold office or appointed position who has been proven guilty through union procedure or court of law of preying on the labour movement for corrupt purposes.
- 11.** If changes to a constitution or procedures are needed to comply with this code, the union will make these changes as soon as practical.

## **Article 26**

### **Self-government standards**

Members of affiliates exercise their rights as citizens of a sovereign nation and govern the affairs of the union within this right.

- 1.** Canadians elect Canadian officers.
- 2.** Canadian members and elected officers set policies that deal with national affairs.
- 3.** Canadian elected representatives have authority to speak for the union in Canada.
- 4.** Where an international union is affiliated to a global union federation, the Canadian section of the union affiliates separately.
- 5.** International unions ensure that no constitutional requirements or policy decisions prevent Canadian members from participating in the social, cultural, economic and political life of Canada.

## **Article 27**

### **Code of ethical organizing**

One major goal of the labour movement is to extend the benefits of collective bargaining to workers who are not yet members of unions. Public attacks by one affiliate on another result in publicity that gravely injures the labour movement. More serious is the fact that jurisdictional disputes, boycotts, and the resulting bad publicity give rise to restrictive laws.

- 1.** Where two or more affiliates seek to organize the same employees, each affiliate campaigns so as to increase the respect of the workers involved for the union movement. No affiliate attacks the motives or character of any competing affiliate, its officers or locals.
- 2.** Affiliates do not, directly or indirectly, issue any propaganda that:
  - a.** alleges or implies that another affiliate is guilty of undemocratic practices, corruption, or any other improper conduct
  - b.** attacks the principles of international, national, provincial or regional unionism
  - c.** attacks the craft or industrial structure of other affiliates, or
  - d.** criticizes the benefits received from or the dues paid to another affiliate.
- 3.** Affiliates do not organize boycotts against products or services produced under the collective agreement of another affiliate.
- 4.** An affiliate having a complaint about a violation of this code will send it to the ranking official of the other affiliate, requesting that the spirit and intent of this code be observed.

5. If the other affiliate does not comply promptly, the complainant may file a complaint with the Congress. After investigating, the Congress will try to obtain compliance. If that fails, the complaint will go to the Canadian Council. The council will report its decision to the parties and act as it thinks appropriate to enforce compliance.

**Appendix I**  
**Pledge of Solidarity**

In assuming a position on the Canadian Council of the Canadian Labour Congress, I pledge to uphold the following principles:

- Promote the value of solidarity and build the labour movement through increasing union density by organizing new members.
- Recognize that all workers deserve good unions and effective representation and servicing.
- To be guided by Article 24, Code of union citizenship and Article 25, Code of ethics.
- Work to build better relationships between affiliates and affiliate leaders and a more constructive dialogue between affiliates at all levels.
- Agree that raiding is not acceptable and will be dealt with in accordance with Article 4 of the CLC Constitution.
- Agree not to establish or assist an independent organization for the purpose of interfering with the members of a CLC affiliate.
- Recognize there are legitimate reasons why workers may want and may need to change unions; changes in unions should only occur when workers have made the decision to do so and should be done in an orderly manner and without interference from other affiliates.
- Agree that determinations pursuant to the Raiding and Justification Protocol or Article 4 are binding and formally agree to abide by the outcome of the process.

Signed by \_\_\_\_\_

Date \_\_\_\_\_

## **Appendix II**

### **Terms of reference for ombudsperson**

In carrying out the duties the Congress assigns, the ombudsperson has the power to:

1. Receive inquiries about the rights of members and advise them on the procedures for the redress of complaints.
2. Receive complaints, investigate them, hold hearings if needed, and issue written reports or findings on the individual cases.
3. Decide if allegations are serious enough to justify a hearing and, if not, to dismiss a complaint.
4. Where the decision favours the complainant, order remedies to redress the injustice.
5. Recommend changes in constitutions that would eliminate the causes of the complaints.
6. Publicize any decision, award, or other findings if orders or recommendations are not acted on and grievances settled within 30 days after the report is submitted.
7. Submit to the Congress before March 31 each year a statistical report of the cases handled during the previous year and their disposition, including any comments and recommendations that may help the Congress set policy for the office of ombudsperson.
8. Recommend for Congress approval:
  - procedures for handling correspondence and written records
  - procedures for meetings, hearings and inquiries, including the appearance and testimony of individuals
  - procedures for obtaining relevant files and other documents
  - procedures for reimbursing complainants, defendants and witnesses for travel and other expenses.

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Canadian Labour Congress

Congrès du travail du Canada

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