



By-laws of Workers United Canada Council  
(as of May, 2011)

## **Article One**

### **Name, Affiliation and Jurisdiction**

#### **Section 1**

The name of this organization shall be Workers United Canada Council (hereinafter called the Council).

#### **Section 2**

The Council shall be composed of all the affiliates of the former UNITE HERE Ontario Council, save and except UNITE HERE Local 75, within Ontario, and all Local Unions elsewhere in Canada who agree to affiliate to the Council, subject to the affiliation being approved by the General Executive Board of Workers United. All Local Unions within the jurisdiction of the Council shall be affiliated, and continue their affiliation with the Council. All Local Unions within the jurisdiction of the Council shall be subject to the By-Laws, rules and regulations of this Council.

## **Article Two**

### **Purpose**

The purpose of the Council is to build the union, to organize nonunion workers, to establish, maintain and strengthen equitable wage scales and working conditions; to elevate the moral, social and intellectual standing of its members and to provide a voice for the concerns of all working people. We will achieve this purpose by:

- a) Dedicating our energy and resources to the task of organizing the unorganized;
- b) Bargaining to improve wages and benefits, to increase job security and improve other working conditions for members of the Council and its affiliated Local Unions;
- c) Educating the membership and working to secure progressive and beneficial legislation through political action;
- d) Promoting the use of the Union Label, the Union House and the purchase of union-made products and services;
- e) Defending and extending human rights and civil liberties;
- f) Advancing the economic, social, health and cultural interests of our members and all the people of Canada; and

- g) Unifying and coordinating the efforts of Local Unions to meet these objectives

## **Article Three**

### **Headquarters**

The headquarters of the Council shall be located in Toronto, Ontario, or in such other location as may be designated by the Council.

## **Article Four**

### **Powers of the Council**

#### **Section 1**

The meeting of Council delegates shall be the supreme governing body of the Council. The role of the Council delegates is to:

- a) hear, discuss and approve reports from the Director and Executive Board;
- b) make decisions to support organizing initiatives, programs of political action, legislative activity and educational activities designed to further the cultural and physical well-being of the members of the Council and its affiliated Local Unions;
- c) decide questions involving the interpretation of these By-Laws and the policies of the Council;
- d) make rules for the governing of the Council and its Local Unions;
- e) oversee the administration of union dues necessary to carry out the affairs of the Council, and to set the amount of union dues or assessments, and authorize the expenditure of such funds;
- f) appoint any committee it deems necessary to perform specified duties; and
- g) take such other actions which it believes are in the best interests of the Council, its affiliated Local Unions and its members, and which are not inconsistent with these By-Laws.

All decisions made at a Council meeting shall be final and binding upon the Council, its affiliated Local Unions and their members unless disapproved by affiliated Local Unions representing a majority of the locals. In this event, the decision shall be reconsidered and finally disposed of by a two-thirds vote of all of the Council delegates at another meeting of the Council.

- h) and affiliate with such other labour unions or organizations as the Council may determine.

## **Section 2**

No affiliated Local Union or any officer(s) or agent of the Local Union shall have power to make any contract binding upon, or incur any liability on behalf of, the Council without the written authority of a Council meeting or its Executive Board and Director. The Council shall not be liable under any contract or for any acts or conduct of any affiliated Local Union or its officer(s) or agents unless so authorized by a Council meeting or its Executive Board.

## **Article Five**

### **Representation and Election of Delegates**

#### **Section 1**

The Council shall be composed of delegates representing each affiliated Local Union. Each affiliated Local Union shall elect the number of Council delegates and alternates to which it is entitled under Section 4 of this Article following the By-Laws of the affiliated Local Union.

#### **Section 2**

All individual workplaces that are members of composite locals shall have delegate representation to Council meetings following the same formula as set out in section 4, where the Council meeting is held in the province in which the composite local is located. If the Council meeting is held in a different province, only the composite local itself shall be represented by delegates, in accordance with the formula set out in section 4. In such circumstances, each such delegate's vote shall be weighted to the total number of workplaces in the local. For example, if there are four workplaces in the composite local and the composite local is entitled to two delegates, each delegate shall have two votes.

#### **Section 3**

For the purpose of determining the representation of each affiliated Local Union, the number of its members shall be the average number of its dues-paying members for a period of one year prior to the one month preceding the date of election of delegates. In cases of locals chartered less than one year prior to the date of election of delegates, then the count shall be made from the date of the installation of the charter to one month prior to the date of election.

**Section 4**

Delegates to the Council shall be elected by each affiliated Local Union on the following basis of representation:

- a) Local Unions with 100 or fewer members in good standing shall be entitled to one (1) delegate.
- b) Local Unions with 101 to 200 members in good standing shall be entitled to two (2) delegates.
- c) Local Unions having more than 200 members in good standing shall be entitled to one additional delegate for each additional 200 members as follows:

Membership of Local Union	Total number of delegates
201 to 400	3 delegates
401 to 600	4 delegates
601 to 800	5 delegates
801 to 1,000	6 delegates
1,001 to 1,200	7 delegates

and so on in multiples of 200 members equating to two additional delegates for each additional multiple of 200 members.

- d) A Local Union may elect alternates equal to the number of its delegates and shall designate their rank for filling vacancies. If a delegate is absent from a Council meeting, the alternate with the highest rank present from the absent delegate's Local Union shall act in place and instead of the absent delegate.
- e) Alternates may attend all meetings of the Council with voice but without right to vote, except when acting in the absence of a regular delegate from the Local Union.

## **Section 5**

No person shall be eligible for election as a Council delegate or alternate unless he/she has been a member in good standing of the Local Union which he/she seeks to represent, continuously for at least one (1) year immediately preceding the date of his/her nomination or, if such Local Union has been chartered for less than one (1) year, continuously from the date of its charter.

## **Section 6**

If any delegate is absent from three (3) consecutive Council meetings, his/her seat shall be declared vacant by the President of the Council and the alternate from the respective Local Union shall assume his/her place for the balance of the term. However, this shall not apply in cases where the delegate can justify his/her absences.

## **Section 7**

Council delegates and alternates shall hold office for a term which shall be in accordance with the By-Laws of their Local Union, and until their successors have been seated.

## **Section 8**

For the purpose of these By-laws, any member not suspended or expelled for non-payment of dues or for any other reason is a member in good standing.

# **Article Six**

## **Election of Officers and Director**

### **Section 1**

The Council shall elect, through secret ballot, from among the delegates the following Officers:

- a) President,
- b) one (1) Vice-President,
- c) Recording Secretary,
- d) one (1) Sergeant-at-Arms;

- e) nine (9) Executive members;
- f) one (1) Manitoba/Saskatchewan Executive member;
- g) two (2) alternate Executive Members-At-Large

The Council shall elect two (2) alternate Members-At-Large who will fill the Executive Board position should a vacancy occur between Council Meetings. If a vacancy is an Officer's position, the next ranking Officer will fill it. If there is no next ranking Officer, the Executive Board will elect an existing Executive Board Member-At-Large to fill the Officer position vacancy.

The order of Ranking Officers on the Executive Board is:

1. President
2. One (1) Vice-President
3. Recording Secretary
4. One (1) Sergeant-at-Arms

Every effort shall be made to ensure that elected Officers represent the diversity of members of the Council and the affiliated Local Unions based on gender, race, region of the province, and sector of employment.

The Council shall have one Director (who shall also serve as Financial Secretary-Treasurer). The Director need not be a Council delegate to hold office. The Director shall be elected by the Council delegates in the same manner as Council Officers.

## **Section 2**

The Executive Board position reserved to a delegate representing Manitoba/Saskatchewan Locals shall be elected solely by the delegates representing those Locals ("the Manitoba/Saskatchewan Delegates"). In all other respects, this election shall be conducted at the same time and in the same manner as the other Officers. All delegates are entitled to run, and vote, for all other Officer, Director and Audit Committee positions.

## **Section 3**

The Officers shall be elected by majority vote.

## **Section 4**

Nominations and elections shall be held at the first meeting of the Council after the delegates are seated. No nominee shall be placed on the ballot

unless he/she signifies his/her acceptance of the nomination either personally or in writing to the Council meeting. Only votes for candidates duly nominated and properly on the ballot shall be counted. There shall be no write-in or sticker voting. No delegate may be elected for more than one (1) office.

## **Section 5**

- a) The term of office of an Officer shall be four (4) years and until their successors have been seated.
- b) The term of office of an Officer shall be automatically vacated should he/she cease to be a Local Union delegate to the Joint Council during his/her term of office as a result of:
  - i) his/her resignation as Council delegate from his/her Local Union; or
  - ii) following Local Union elections, he/she is replaced as a Local Union delegate; or
  - iii) by reason of any other action which causes him/her to be no longer a Local Union delegate to the Council.

## **Section 6**

In the event that an elected office becomes vacant, a successor shall be elected at the next regular Council meeting. The officer so elected shall serve until the next regular election and until his/her successor is duly elected and assumes office.

## **Article Seven**

### **Meetings of the Council**

#### **Section 1**

The Council shall meet at least once a year as decided by the Executive. Notice to the Council delegates shall be sent at least fifteen (15) days prior to the meeting.

#### **Section 2**

A special meeting of the Council may be called at any time, but not upon less than five (5) days notice by the Director, or at the direction of the Executive Board or upon the written request of not less than one-third of the delegates from not less than one-third of the affiliated Local Unions.

### **Section 3**

The Director may convene regional meetings of stewards, Council delegates and local officers of Local Unions for the purpose of discussing issues of mutual concern to members of the Council and its affiliated Local Unions in each region. The Director may also convene sectoral meetings of stewards, Council delegates and local officers of the affiliated Local Unions to discuss ways and methods of advancing the interests of members of the Council and the affiliated Local Unions working in particular sectors.

### **Section 4**

A majority of Council delegates present in person at any regular or special Council meeting shall constitute a quorum for the transaction of business. No action of any meeting shall be invalid for lack of a quorum unless the question of lack of a quorum was raised before such action was taken. A meeting may transact any and all business coming before it without notice of the business, except as otherwise specifically provided in these By-Laws. Unless otherwise stated, all decisions of the Council meeting shall be by a majority of the delegates voting.

## **Article Eight**

### **Duties of Officers**

#### **Section 1**

##### President:

The President shall preside at all Council and Executive Board meetings. He/she shall rule on all questions of parliamentary procedure or law or rules of order at the meetings. He/she shall have the power to sign cheques, together with the Director, in payment of bills, debts and obligations of the Council. By virtue of his/her office, the President is also a member of every committee of the Council. He/she shall perform such additional duties as the Executive Board shall determine.

#### **Section 2**

##### Vice-President:

The Vice-President shall assist the President in the performance of his/her duties and shall act for the President in his/her absence. He/she shall perform such additional duties as the Executive Board shall determine and be a member of every committee with the exception of the Audit Committee, but he/she shall not be required to sit on every committee.

### **Section 3**

#### Recording Secretary:

The Recording Secretary shall keep accurate minutes of all meetings held by the Council and the Executive Board. He/she shall have such further powers and duties as are usual to his/her office.

### **Section 4**

#### Sergeant-at-Arms:

The Sergeant-at-Arms shall guard the door and preserve order and decorum at the meetings of the Council and the Executive Board and shall perform such other duties as are usual to this office.

### **Section 5**

#### Executive Board:

There shall be an Executive Board of the Council, consisting of the President, Vice-President, Recording Secretary, Sergeant-at-Arms, nine (9) members elected from all of the delegates, and one member elected from and by the Manitoba/Saskatchewan Delegates. The Director shall act with voice but no vote on the Executive Board.

The Executive Board shall meet at least four (4) times a year and will keep all Locals informed of its activities. The Executive Board may also convene meetings by conference call, or may provide for participation by Executive Board members in meetings by conference call instead of in person where requested by the President and/or Director.

The Executive Board shall be the highest governing authority within the Council between meetings of the Council delegates. The Executive Board shall exercise general supervision over the business and affairs of the Council. It shall present a report of its activities to each meeting of the Council for its approval. All matters to be acted on by the Council shall first be submitted to the Executive Board by the Director. The Executive Board shall then submit its recommendations to the Council.

The Executive Board shall have power, subject to the approval of the Council and the provisions of these By-Laws, to authorize the expenditure of the funds or the use of the property of the Council to achieve any of its objectives, to borrow money or to pledge any property or securities of the Council as security, and to buy, sell, exchange, rent, lease or otherwise acquire or dispose of real or personal property.

Requests for contributions or donations to individuals or organizations shall first be approved by the Executive Board for its consideration and recommendation before being received by the Council.

Unless otherwise determined by the Executive Board, the normal time of meetings shall be in the months of March, June, September and December.

Special meetings of the Executive Board may be called at any time by the President and/or the Director upon not less than 24 hours verbal or written notice to the Executive Board members of the time, place and manner of the meeting, and the business to be transacted.

The Executive Board shall operate on the basis of consensus as far as practicable. In the event that consensus is not achievable, the affirmative vote of a majority of those voting shall authorize a motion.

A quorum for the transaction of business shall consist of a majority of Board members and officers.

## **Section 6**

### Director:

The Director shall be elected for a four (4) year term. He/she shall serve as Chief Executive and Administrative Officer of the Council, subject to the supervision of the Council. He/she shall be a full-time salaried officer.

The Director shall have the power to hire, fix the salaries of and discharge employees, including Union Representatives, as the work of the Council requires and shall supervise and direct employees' work and the activities of the Council. The Director shall supervise and direct the administrative, operational and budgetary functions of the Council.

He/she shall have the power to sign collective bargaining agreements with employers, subject to the approval of those local unions whose members are covered by the agreement.

He/she shall enforce the provisions of these By-Laws.

He/she shall render a report to the Council and the Executive Board at each of their meetings.

The Director shall serve as Financial Secretary-Treasurer of the Council, and shall have the power to invest the assets of this Council.

The Director shall have a voice but no vote at all meetings of the Council and the Executive Board and at regional and sectoral meetings of the Council. He/she shall be the delegate of the Council to any organizations to which the Council may affiliate, and shall be bound by the policies of the Council.

The Director shall conduct the Council's correspondence; have charge of its seal, which he/she shall attach to all documents requiring authentication. He/she shall forward all notices as directed by the Council or the Executive Board.

He/she shall have such further powers and duties as are usual to this office.

## **Section 7**

### Financial Secretary:

The Director shall serve as Financial Secretary. He/she shall receive and be responsible for all monies, dues, securities, funds and other valuables of the Council and deposit same in the name of the Council in such banks, depositories or invest them in such securities as the Executive Board may direct.

He/she shall keep true and accurate accounts of all transactions as Financial Secretary-Treasurer and shall make reports of these transactions to the Executive Board, to the Council.

He/she shall keep a record of the names and addresses of all members of affiliated Local Unions and all rejected applicants for membership, and all suspended or expelled members, together with the grounds thereof.

The cheques, vouchers, books and records of the Financial Secretary shall be subject to examination and audit by the Council, and the Director shall make all cheques, vouchers, books and records available for examination and audit by the Council upon demand.

Along with the President, he/she shall sign cheques in payment of bills, debts and obligations of the Council, when directed by the Executive Board.

Cheques signed on behalf of the Council must have two signatures from among the President and Director.

Before entering upon his/her duties he/she shall execute a bond for the faithful performance thereof in an amount to be fixed by the Executive Board. The premium for this bond shall be paid by the Council.

## **Article Nine**

### **Committees**

#### **Section 1**

The Council may establish any committees deemed necessary to carry out its policies and programs.

#### **Section 2**

All such committees shall be supervised by the Executive Board and shall report to the Council. The President, Vice-President and Director shall be ex-officio members of all committees of the Council, with the exception of the Audit Committee

## **Article Ten**

### **Audit Committee**

**Section 1** At the same time of the election of officers and Director, there shall be an election for members for the Audit Committee. Two members, who are participating delegates at the Council meeting, shall be elected by majority vote to serve a 4 year term as members of the Council's Audit Committee.

**Section 2** The Audit Committee shall meet a minimum of two times per year or as determined by the Executive Board or by the Audit Committee to review the financial statements and records for the Council. The Audit Committee shall prepare a report to the Council meeting about its activities and report on its finding.

**Section 3** The Audit Committee shall have the power to audit and inspect all financial transactions of the Council, and shall have the power to make recommendations to the Executive Board.

## **Article Eleven**

### **Property**

#### **Section 1**

The funds and property in the possession of the Local Unions and Council shall be exclusively devoted to the fulfilment of the organizational purposes set forth in these By-Laws and shall not be liquidated or disposed of, in whole or in part, by dividing it up among the members, directly or indirectly, or by expending or diverting it in any other manner for the purposes not considered trade union purposes.

#### **Section 2**

No funds or property of this Council shall be loaned, given or expended to promote, support, endorse, assist or oppose directly or indirectly the candidacy of a member seeking or retaining office in this Council or any of its affiliated Local Unions.

## **Article Twelve**

### **Finances and Revenues**

**Section 1** The activities of the Council shall be financed by monies contributed by affiliated Local Unions. A Council meeting shall have the power to fix dues of the members of the affiliated Local Unions. A vote of at least two-thirds of the delegates to a Council meeting shall be required to pass a motion regarding dues.

**Section 2** All monies due to the affiliated Local Union shall be received by the Council. The Council shall rebate and/or credit to the account of each affiliated Local Union such sums as determined by the Council, where there is a rebate system in place.

## **Article Thirteen**

## Discipline and Due Process

### Section 1

- a) The term "discipline" when used in this article shall include removal from office, disqualification to run for office, or expulsion or suspension from membership.
- b) Any member or local union found guilty, after notice of and opportunity for hearing upon charges, of:
  - i) violating any provisions of these By-Laws or a decision of this Council or of an affiliated Local Union, or
  - ii) dishonesty, misconduct, denial of the privileges of membership to any other member, or
  - iii) conduct detrimental to the welfare of this Council or its affiliated Local Unions, or
  - iv) a violation of the oath of office by an officer, or
  - v) failure to uphold the principles of union democracy, by failing to hold regular membership meetings, failure to provide financial statements for approval by the appropriate membership body, or failing to convene proper and appropriate elections of local officers,shall be subject to discipline.
- c) Subject to the provisions of subsection (e), the Executive Board of an affiliated Local Union shall have power to discipline a member or officer of such Local Union whom it finds guilty of any conduct set forth in paragraph (b) above.
- d) Subject to the provisions of subsection (e), the Executive Board of this Council shall have power to discipline any member or officer of any of its affiliated Local Unions, or any member, delegate, or officer of this Council whom it finds guilty of any conduct set forth in paragraph (b) above.
- e) The Recording Secretary of an affiliated Local Union shall promptly transmit a copy of any charges filed with him/her against a member or officer of such Local Union to the Secretary-Treasurer and to the

recording secretary of this Council. The Executive Board of this Council shall have the right by notice in writing, to such Recording Secretary, to assume jurisdiction of any such charges, and in that event, no action upon such charges shall thereafter be taken by the Local Union with which they were filed, but all further proceedings shall be taken by the Executive Board of this Council in the same manner as though the charges had originally been filed with it.

## **Section 2**

Proceedings under this Article may be initiated by any member of this Council or its affiliated Local Unions by filing written charges with the Recording Secretary of the appropriate Local Union or this Council, as the case may be. The Recording Secretary with whom such charges are filed shall promptly transmit a copy thereof to the accused by registered mail at his/her last known address, together with written notice of the time and place of the hearing on the charges. The hearing shall be held not less than one (1) week after the date of mailing of the notice.

## **Section 3**

- a) Hearings shall be held by a panel consisting of members of the Executive Board of the appropriate Local Union, or this Council, as the case may be, struck in accordance with Section 3(c). The accused shall have the right to appear at such hearings, present evidence, call, examine and cross-examine witnesses and be represented by any member in good standing of this Council or any of its affiliated Local Unions who has been designated by him/her for that purpose and who has agreed to so serve.
- b) Hearings may be held on any charges notwithstanding the failure of the accused to attend, after being given notice pursuant to the provisions of this Article, to appear at the hearing.
- c) Where the Executive Board of the Local Union is composed of more than five members, or in the case of this Council, the hearing panel shall consist of three members of the Executive Board appointed by the President of the Local Union or of the Council, as the case may be. Where the Executive Board of the Local Union is composed of five members or fewer, the Executive Board shall serve as the hearing panel.

## **Section 4**

Appeals from decisions pursuant to the provisions of this Article may be taken in the manner provided in Article Fourteen by the accused or by the person filing the charges.

## **Article Fourteen**

### **Appeals**

#### **Section 1**

All appeals shall be in writing, shall contain a brief statement of the facts and the grounds for the appeal and shall be filed with the Recording Secretary of this Council within thirty (30) days after the decision from which the appeal is taken was rendered. The Recording Secretary shall promptly transmit copies of the appeal together with a notice of the date of the hearing.

#### **Section 2**

An appeal from a decision, or failure to act, of the Executive Board of this Council may be made to the Council and shall contain a brief statement of the facts and the grounds for the appeal.

## **Article Fifteen**

### **Representation**

The Council shall be the exclusive representative of each member for the purpose of collective bargaining with employers, and is irrevocably authorized and empowered by each member to present, negotiate and settle any and all grievances, complaints and disputes arising out of the relationship between the member and his/her employer.

## **Article Sixteen**

### **Rules of Order**

In all matters not specifically covered by these By-Laws and in respect of issues of process, the rules of order shall be in accordance with Robert's Rules of Order.

## **Article Seventeen**

### **Amendments**

These By-Laws may be amended at any regular or special meeting of the Council by the affirmative vote of not less than two-thirds (2/3) of the delegates voting on the question, providing that there shall have been at least fifteen days notice in writing in advance of each proposal, given to all delegates to this Council.

## **Article Eighteen**

### **Workers United Constitution**

The Constitution of Workers United is incorporated into these By-Laws. In the event of any conflict between these By-laws and the Constitution of Workers United, the Constitution of Workers United shall prevail.

## **Article Nineteen**

### **Severability**

If any provision of these By-Laws or the application of such provision to any officers, members, persons or circumstances shall be held invalid, the remainder of these By-Laws or the application of such provision to any officers, members, persons or circumstances other than those as to which it is held invalid, shall not be affected.

## **Article Twenty**

### **Interpretation**

These By-Laws shall be interpreted according to the laws of the Province of Ontario.

## **Article Twenty-One**

### **Oath of Office**

Before assuming office, each officer of the Council and each Council delegate shall take the following oath of office, and each Officer and delegate shall be deemed to have taken such oath:

"Upon my honour I pledge that I will truly and faithfully carry out the duties and responsibilities of my office. I will commit myself to organizing new members and to raising the standards of the members I represent in their workplaces, their communities and their countries. I will support training and education and will always strive to include all segments of our membership at all levels of decision making. I understand that membership involvement and empowerment yields commitment and builds our union. I will fight for good jobs, for civil rights for all people, and for full rights for immigrant workers. I will help to build a global movement for justice by promoting the unity of workers and their allies. I will demand and support the political empowerment of working people. I will uphold the Constitution, by-laws and policies of our union. I will conduct my union business with ethics and integrity at all times. By these actions I will help create a future of hope and freedom by strengthening the power of this Council and its affiliated Local Unions. All of this I do solemnly affirm."