

BY-LAWS

OF THE

**NORTH SIMCOE, MUSKOKA
AND
DISTRICT LABOUR COUNCIL**

(CLC)

(Chartered by the Canadian Labour Congress)

Motion to amend passed – April 13, 2017
Approved by CLC Executive – May 11, 2017



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ARTICLE 1 - NAME AND LOCATION

- Section 1. This Labour Council shall be known as the “North Simcoe, Muskoka and District Labour Council, CLC,” and is chartered by the Canadian Labour Congress.
- Section 2. The Labour Council shall consist of organizations affiliated to the Canadian Labour Congress which become affiliated by this Labour Council and which are situated in the area bounded on the North by the Muskoka and Parry Sound District Boundary, including all of Muskoka District, on the South by Oro-Medonte Township Boundary, on the East by Ramara Township Boundary, and on the West by Georgian Bay, including Tiny Township, Tay Township and the Towns of Midland and Penetanguishene.
- Section 3. These organizations shall conform to the By-Laws and the Rules and Regulations of this Labour Council as set forth herewith. This Labour Council shall not be dissolved while there are five (5) organizations remaining in affiliation.

ARTICLE 2 - PURPOSE

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 unions 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 management.
4. To encourage all workers without regard to race, creed, sex, age, colour, gender identity, gender expression, national origin, or any other HRO 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 the undermining efforts of all 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, 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.
- (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 Labour 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.

Section 3. 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 Labour 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 said delegate. Any decision to expel may be appealed to the Executive Committee of the Canadian Labour Congress with two (2) months. The decision shall be in force and effect during appeal.

- Section 4.**
- (a) 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.
 - (b) Canadian Labour Congress Officers, Directors and Representatives are eligible as delegates and where credentialed, will have the same rights as delegates, including the right to vote.

Section 5. It shall be the duty of each affiliated organization to furnish the Treasurer of the Labour Council with the following:

- (a) All official reports which deal with matters within the purview of the Labour Council.
- (b) Such other reports as will facilitate and make more effective the work of the Labour Council.
- (c) 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 Labour Council. Except as provided in Article 12, its decisions shall be by majority vote.

Section 2. The regular meetings of the Labour Council shall be held on a predetermined date monthly in the months of September to June of each year. Meetings shall commence at seven-thirty (7:00 pm) sharp. Such meetings will adjourn after two (2) hours of Labour Council business. A motion to extend the time limit of two (2) hours, must be approved by a two-thirds (2/3) majority of the delegates in attendance.

- Section 3.** (a) Special meetings of the Labour Council may be called by direction of the Executive Council or on request of affiliated organizations representing a majority of the total membership of the Labour Council as evidenced by the records of the Treasurer.
- (b) In the event a majority, as provided in Sub-Section (a), requests a special meeting, the Executive Council 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 Sub-Section (b), a special meeting shall exercise the same authority as regular meetings.

Section 4. In the event Officers of the Labour Council fail to call meetings or otherwise fail to carry out their duties and responsibilities, the Congress shall take whatever measures are necessary to re-organize the Labour Council.

Section 5. Representation at meetings shall be on the following basis:
From affiliated unions, branches and lodges – five (5) delegates.

Section 6. 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.

Section 7. The 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 the Labour Council.

Section 8. Obligation 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 and declare, ... that I will support and obey, ... the By-Laws of this Labour Council, ... and the Constitution of the Canadian Labour Congress."

Section 9. 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 Labour Council.

Section 10. Any person suspended by, or expelled from, any organization affiliated to this Labour Council shall not be seated as a delegate.

Section 11. Any delegate being absent from four (4) consecutive meetings of this Labour Council (as per record kept by the Sergeant-At-Arms), without good and sufficient reason, in writing, having been previously presented to the Secretary from the delegate or their organization, certifying to the sickness, absence from city, or engagement at work, said delegate shall forfeit their seat, and immediate notice sent to their organization by the Secretary requesting a new credential for the vacant seat. The Secretary shall also revise the official Roll Call Book, and attendance card file, for accurate use by the Sergeant-At-Arms.

Section 12. The President, in consultation with the Executive Council, shall appoint such committees as are necessary to conduct the affairs of the Labour Council. Such committees may include Legislative, Municipal, Organization, Education, Political Education, Welfare and Community Services, Labour Day and Social, Union Label, and such other committees as the Labour Council shall at other times appoint. The Executive Council 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 Labour Council meetings.

Section 13. Four (4) registered delegates representing at least four (4) of the affiliated unions shall constitute a quorum for the transaction of business.

Section 14. The rules and order of business governing meetings shall be:

1. The President, or in their absence or at their request, the Vice-President shall take the Chair at the time specified, at all regular and special meetings. In the absence of both the President or their designated representative, a Chairperson shall be chosen by the Executive Council.
2. No question of a sectarian character shall be discussed at meetings.
3. When a delegate wishing to speak, they shall be recognized by the Chairperson and shall give their full name and the organization they represent and shall confine their remarks to the question at issue.
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 it be to call to a point of order.
6. If a delegate be called to order, they shall, at the request of the Chairperson, take their seat until the question of order has been decided.
7. Should a delegate persist in unparliamentary conduct, the Chairperson will be compelled to name them and submit their conduct to the judgement of the meeting. In such case, the delegate whose conduct is in question should explain and then withdraw, and the meeting will determine what course to pursue in the matter.
8. When a question is put, the Chairperson, after announcing the question, shall ask: "Are you ready for the question?" If no delegate wishes to speak, the question shall be put.
9. Question 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 Chairperson. The Chairperson shall then put the question thus: "Shall the decision of the Chair be sustained?" The question shall not be debatable except that the Chairperson may make an explanation of their decision.
11. The Chairperson shall have the same right as other delegates to vote on any question. In case of a tie vote, they 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 not 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. 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, Vice-President(s), Secretary, Treasurer, and Sergeant-At-Arms.
- Section 2.** Each Officer shall be a member in good standing of an affiliated organization. No one shall be eligible for election unless they have attended fifty percent (50%) of the meetings of the Labour Council in the previous six (6) months.
- Section 3.** Officers shall be elected in the month of January on a biennial basis (i.e., every second year).

Section 4. 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 will be dropped. In case of a final tie vote, the Presiding Officer may cast the deciding vote.

Section 5. The election of each office shall be completed before nominations may be accepted for any subsequent office.

Section 6. Nominees allowing their names to go forward for the offices of President, Vice-President(s), Secretary, Treasurer, Sergeant-At-Arms, and Executive Members, shall upon acceptance of nomination, come forward and clearly and audibly speak the following lines to the assembled delegates:

"In accepting nomination, I swear and affirm that I will faithfully support the Constitution, Principles and Policies of the Canadian Labour Congress and the By-Laws of this Labour Council."

Section 7. The terms of Officers of the Labour Council shall commence upon the completion of elections.

Section 8. (a) In the event of a vacancy in the office of 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 shall perform this duty.

(b) In the event of a vacancy in the office of either Vice-President or Secretary, the President shall perform the duties of the vacant office until a successor is elected.

Section 9. In the event of a vacancy in any office of the Labour Council, the vacancy shall be filled at the next regular meeting.

Section 10. The Executive Officers shall hold title to any real estate of the Labour Council as Trustees for the Labour 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 11. Obligation for Officers

After being elected, each Officer before assuming their duties, 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 Labour Council of which I shall be a member, and at the end of my term of office, I shall turn over to the Labour Council or to my successor, all properties or funds in my possession that belong to the Labour Council."

ARTICLE 6 - DUTIES OF THE PRESIDENT

Section 1. The President shall be the Chief Executive Officer of the Labour Council. They shall exercise supervision over the affairs of the Labour Council, sign all official documents and preside at regular and special meetings and at meetings of the Executive Council.

Section 2. Subject to appeal to the Canadian Labour Congress, the President shall have authority to interpret these By-Laws and their interpretation shall be conclusive and in full force and effect unless reversed or changed by the Executive Council, or a meeting of the Canadian Labour Congress.

ARTICLE 7 - DUTIES OF THE VICE-PRESIDENT

Section 1. The Vice-President(s) shall aid the President in their duties as Chief Executive Officer of the Labour Council and act on their behalf when required to do so.

ARTICLE 8 - DUTIES OF THE SECRETARY

Section 1. The Secretary shall keep a correct, full and impartial account of the proceedings of each meeting of the Labour Council in a bound Minute Book. The Secretary shall have charge of the Seal and Records of the Labour Council. The Secretary shall conduct all correspondence on behalf of the Labour Council, acknowledge all communications promptly and write all letters as directed by Labour Council meetings. The Secretary shall inform the Canadian Labour Congress Regional Office of all changes of Officers of the Labour Council and of time and place of meetings. The Secretary shall also forward copies of all Labour Council minutes as per Canadian Labour Congress administrative requirements.

ARTICLE 9 - DUTIES OF THE TREASURER

Section 1. The Treasurer shall be the Chief Financial Officer of the Labour Council.

Section 2. The Treasurer shall be in charge of books, documents, files and effects of the Labour Council which shall at all times be subject to the inspection of the President and Executive Council. They shall maintain a list of all affiliates of the Labour Council and the reported number of members of each one (1).

Section 3. The Treasurer shall prepare a Financial Statement of the Labour Council for a monthly report to Labour Council.

Section 4. The Treasurer shall have the books of the Labour Council audited semi-annually by the Trustees elected under provisions of Article 13. A copy of the Audit Report shall be forwarded as per Canadian Labour Congress administrative requirements.

Section 5. The Treasurer shall, subject to the approval of the Executive Council, invest surplus funds of the Labour Council in securities or deposit them in unionized financial institutions.

Section 6. The Treasurer is empowered to require affiliated organizations to provide statistical data in their possession relating to the membership of their organization.

ARTICLE 10 - DUTIES OF THE SERGEANT-AT-ARMS

- Section 1.** It shall be the duty of the Sergeant-At-Arms to receive the name of each delegate upon entering the room, and shall record their attendance. They shall perform such duties as may be assigned to them by the President.

ARTICLE 11 – WOMEN’S COMMITTEE

- Section 1.** It shall be the responsibility of this Committee to keep the Labour Council delegates informed as to the Policies of the Canadian Labour Congress and its affiliated organizations, regarding issues affecting women.

ARTICLE 12 - EXECUTIVE COUNCIL

- Section 1.** The Executive Council shall consist of the President, Vice-President(s), Secretary, Treasurer, and Executive Council members.
- Section 2.** The Executive Council 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 instruction of the Labour Council meetings and to enforce the provisions contained in these By-Laws.
- Section 3.** The Executive Council 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 Council shall have the power to conduct an investigation or 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 Council 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 Council to suspend any organization. Any action of the Executive Council under this Section may be appealed to the next meeting of the Labour Council.
- Section 5.** A majority of the members of the Executive Council shall constitute a quorum for the transaction of the business of the Executive Council.
- Section 6.** The Executive Council is authorized to reimburse members of the Labour Council for necessary expenses in performing their duties for the Labour Council.

ARTICLE 13 - TRUSTEES

- Section 1.** At the Labour Council Meeting when the Executive is elected, the Labour Council shall also elect an Audit Committee composed of at least two members to be known as Trustees. The Trustees shall be elected from among the members of the affiliated Unions. They shall hold office for a term of two years.
- Section 2.** The Trustees shall not be members of the Executive Council.
- Section 3.** The Trustees shall conduct an audit of the books and accounts of the Labour Council semi-annually as of June 30th and December 31st, based on actual verification of the Treasurer's records as outlined on the Canadian Labour Congress Audit Form. They shall see that all Audit Reports are posted for the information of all delegates and copies forwarded as per Canadian Labour Congress administrative requirements.

Section 4. Should the Trustees be unable or otherwise fail to audit the books of the Labour Council, it shall be the duty of the Executive Council or the President to have the books checked and properly audited by a firm of chartered accountants or some equally qualified party.

Section 5. All Financial Officers of the Labour Council shall be bonded in an amount to be determined by the Labour Council but in no case shall the amount be less than the annual income of the Labour Council.

Section 6. Where Labour Council Officers are not bonded through the Canadian Labour Congress, the Trustees shall certify to the Congress that all Financial Officers of the Labour Council are bonded in accordance with the provision of these By-Laws.

ARTICLE 14 – ATTENDANCE AT CONVENTIONS

Section 1. The President, by virtue of their office, shall be the delegate to the Canadian Labour Congress and Ontario Federation of Labour Conventions.

Section 2. In the event the President is unable to attend, the election of allowable delegates shall be elected from the delegates in attendance at the meeting.

ARTICLE 15 - 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 in the calendar year 2017 a per-capita tax of fifteen cents (\$0.15) per member for each month of the year. For the calendar year 2018 the per capita tax will be twenty cents (\$0.20) per member per month. For the calendar year 2019 the per capita tax will be twenty-two cents (\$0.22) per member per month. For the calendar year 2020 the per capita tax will be twenty-four (\$0.24) per member per month. For the calendar year 2021 and each subsequent year the per capita tax will be twenty-five (\$0.25) per member per month.

Section 3. Any organization three (3) months or more in arrears of per capita to the Labour Council shall be notified by the Treasurer.

Such organization shall not be entitled to seat delegates at Labour Council meetings until all arrears are paid in full.

ARTICLE 16 – LABOUR COUNCIL BUSINESS

Section 1. Mileage will be paid to members of the Labour Council, with the exception of regular Labour Council meetings, while on Labour Council business at the rate of twenty-six cents (\$0.26) per kilometer at the rate approved by the CLC.

Section 2. Labour Council representatives, while on Labour Council business requiring them to be out of town, shall receive a meal allowance, where meals are not provided, of forty dollars (\$40.00) for each day of such business at the current rate approved by the CLC.

ARTICLE 17 - OMBUDSPERSON

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

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

ARTICLE 18 - ORDER OF BUSINESS

The business of the Labour Council in each regular meeting shall be conducted in the following order:

1. Roll Call of Officers.
2. Reading of Credentials (if any).
3. Credential Committee appointment (if necessary).
4. Minutes of the previous meeting read.
5. Credential Committee Report.
6. Executive Committee Report.
7. Bills and Communications.
8. Nominations for office (if any).
9. Election and Installation.
10. Union Reports - Report of Delegates.
11. Standing Committee Reports.
12. Special Committee Reports.
13. Reports from Labour Council Representatives Serving on Public and Private Boards and/or Commissions.
14. Unfinished Business.
15. Roll Call of Delegates.
16. New Business.
17. Good and Welfare of the Labour Council.
18. Adjournment.